S. HRG. 101-197

ISSUES OF CONCERN TO CENTRAL AND NORTHERN CALIFORNIA TRIBES

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING TO DISCUSS ISSUES OF CONCERN TO THE CENTRAL AND NORTHERN CALIFORNIA TRIBES

APRIL 28, 1989
SACRAMENTO, CA

U.S. GOVERNMENT PRINTING OFFICE
99-221 ⇆ WASHINGTON : 1989

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S411-26.

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ISSUES OF CONCERN TO CENTRAL AND NORTHERN CALIFORNIA INDIAN TRIBES

FRIDAY, APRIL 28, 1989

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Sacramento, CA.

The committee met, pursuant to notice, at 3:15 p.m., in room 1450, Sacramento Board of Supervisors Council Chambers, Sacramento, CA, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senator Inouye.

The CHAIRMAN. The Senate Select Committee on Indian Affairs will reconvene.

At this time we will have an open quorum to receive your thoughts and your views on any subject that you wish to discuss.

We just concluded a hearing on S. 611. This is now your opportunity to share with us your concerns.

Our first witness is the staff attorney for the California Indian Legal Services of Oakland, Ms. Marilyn Miles.

STATEMENT OF MARILYN MILES, STAFF ATTORNEY, CALIFORNIA INDIAN LEGAL SERVICES, EUREKA, CA, ACCOMPANIED BY, SAM JONES

Ms. MILES. Thank you very much, Mr. Chairman.

I am here this afternoon to talk about a very serious concern, and that is the protection of sacred sites from governmental destruction and desecration.

With me is Mr. Sam Jones, who has been a plaintiff in the *G-O Road* case for many years—a struggle that has been going on for nearly two decades to protect the Yurok, Karok, and Tolowa Indian peoples' sacred area from destruction by the Forest Service.

I have presented a written statement and would ask that it be put in the record. Because there will be other speakers who will also be bringing to the chairman's attention the need for legislation from the Senate side to protect sacred sites, I will make my presentation very brief.

Briefly, a bill such as that which was introduced by Senator Cranston last year, 2250, needs to be introduced again in the Senate. Representative Morris Udall has introduced a similar bill in the House last month, and we suggest and request that Senator Cranston or Mr. Chairman would please introduce a similar bill this year. I think everyone is united behind that type of legislation to see that Indian people get their religious rights protected, as other people.

Mr. Jones fought in World War II, yet this country has said that he cannot practice his religion as other people in this country can. I think that's not too much to ask of the Senate, and certainly I think some action must be taken. Policy statements are not enough. We need legislation that has a legal remedy for those circumstances that come up that can't be solved in another way so that Indian people have a way of having their rights protected.

That's all I have. There will be other speakers speaking on this same topic, including Florence Jones.

I thank you for your time.

[Prepared statement of Ms. Miles appears in appendix.]

The CHAIRMAN. We are in the process of drafting a measure, and I would like to respond to you by saying that one would think that with the Constitution as written it would not be necessary for legislation.

Ms. MILES. As the attorney who argued the case, I believe that is the law and it was misinterpreted and incorrectly ruled upon.

The CHAIRMAN. But if the Constitution is not sufficient, we will introduce measures to strenghten it.

Ms. MILES. Thank you.

The CHAIRMAN. If the Christians and the Muslims and the Buddhists can have their day, then the Indians are equally deserving of it.

Ms. MILES. Thank you.

Mr. JONES. Thank you, Mr. Inouye. I hope you can help us.

The CHAIRMAN. I thank you very much.

Now we will hear from the tribal leader of the Winnimem Wintu Band, the Honorable Florence Jones.

Is Ms. Jones here?

STATEMENT OF HON. FLORENCE JONES, TRIBAL LEADER, WINNIMEM WINTU BAND, CALIFORNIA

Ms. JONES. Senator Inouye, thank you for being here.

I am Florence Jones. I am the spiritual Wintu leader. I am also an herbal doctor to help my people. This was given to me from the Great Spirit of my river, my mountain, and from the great Creator, itself.

I love my people. I am over 80 years old. I am getting kind of feeble, but I am still active in my herbs. As long as I can stand up, I will help my people. I have several waiting for me today that are very ill in the hospital and at home.

All I want to say is that as long as I can stand I will help all people—even the white people. This is the way the Great Creator has given me this spirit to take care of my people. Now, as I am getting older, I am helping all people. Just as long as there are people—I don't care what color or what race they are—I am helping them as I think that somebody should.

In my profession I think I am just as equal to the medical doctors today. I can cure cancer. I can cure any kind of disease with my herbs. The white medical doctors want to take that away from me. They want to know everything that I know. I said that's my right, and I am not going to tell you anything. It is for me only.

I am training these two girls for when I leave this world. I am training these girls to take over my place. I don't know. They look kind of weak, but maybe if I stay with them longer I might help them. [Laughter.]

The CHAIRMAN. They look all right. [Laughter.]

Ms. JONES. Senator, I think the concerns of my aunt are well to be taken in that we don't have Federal recognition. The things that she is talking about as far as our religious and our traditional and cultural ceremony are under threat of not being Indians and not being able to use the sacred lands.

To prove that we are Indians seems almost ridiculous at this point in time. From the past experiences and the traditional mode that our people have been in, as well, other Federally recognized tribes come to my aunt for assistance in healing. If they recognize the Wintus as Indians, then it seems only fair that the Government should also do so.

The Senate bill that is before us is very much supported by the Wintu, but there are some areas in which we would like further investigation and further clarity, which include the process of appeal on page 10 in describing the challenge of the petitioner's right and the dual time beyond that of not ever having the right to petition again. Or does that mean at this time it is not considered and start over? Those kinds of issues I think need to be clarified so that Indian tribes who are trying to do something and the expertise and the cost of the expertise be addressed, as well.

Many tribes have been disbursed to the point that it will have to be the judgment of the experts to help us out in that way, and the cost of that. If we don't get it right the first time, does that mean we don't get considered again?

We clearly need a bill that clarifies and accelerates the process of achieving Federal acknowledgement, and that's what this bill begins to do.

We encourage you to add some addendums that are concrete for California Indians which include cutting down the cost by establishing archives that are available to us, or the information that can be accessed without thousands of dollars spent in a needle in the haystack activity.

So we ask for your support in this, because the Federal recognition—at this point in time we are denied the Religious Indian Freedom Act, we are denied the Indian Child Welfare Act, and we are denied housing and everything else that all of the Indians are denied.

In concluding, I just want to say that our survival depends on Senators like yourself in that tomorrow we bury an Indian woman who lived her entire life as an Indian and is now being put away in a non-Indian status, and that's not right.

Thank you, sir.

The CHAIRMAN. Before proceeding I would like to announce that the record will be kept open until the close of business on May 19, so any of you who wish to submit additional information or statements or documents, please feel free to do so.

My address is: Senate Select Committee on Indian Affairs, United States Senate, Washington, DC 20510. You will get a response.

I would like to introduce to you the staff which has accompanied me, in case you are wondering who these people are sitting up here.

The number one staff person is the staff director. Our staff director is a prominent Indian attorney who, prior to becoming staff director, was president of a bank. He is an enrolled member of the Chippewa Cree Tribe, and he is the great-great-grandson of Chief Sitting Bull, Alan Parker.

The next position is that of the chief counsel. As it is evident, most Indian problems have something to do with the law of the land. Our chief counsel is an attorney and the chief editor of the "American Indian Law Review," in addition to her responsibilities on the staff. She is a Navajo. She is also a doctor. She has a Ph.D. in psychology. She is married tc an enrolled member of the Creek Nation, the Muskogees. Her name is Dr. Patricia Zell.

Our next person is a staff attorney, Mr. Richard Monette. He is an enrolled member of the Turtle Mountain Band of the Chippewas in North Dakota. He is a young but promising attorney of Indian ancestry, Richard Monette.

Then the chief clerk of the committee, the person in charge of all our documents and equipment, is a member of the Cochiti Pueblo of New Mexico. Her name is Elva Arquero. She is sitting in the front here.

Our fourth member is from Mississippi. She has worked a long time with the Mississippi Band of Choctaws, Kathleen Hooker.

The young lady sitting to my right at the end is an attorney on the staff of Senator Alan Cranston of your State, Ms. Asha Jaine.

Our next witness is a member of the board of directors of Quartz Valley Indian Reservation, Mr. Charles Thom.

STATEMENT OF CHARLES THOM, BOARD OF DIRECTORS, QUARTZ VALLEY INDIAN RESERVATION, MONTAGUE, CA

Mr. Thom. I want to thank you and your staff for being here in the State of California, a state in which it is very hard for Indian people to survive, as I know, because I am that man that went through a lot of things in my life.

I also want to support from the Paiute, Shoshone, and Lone Pine Indians to support Public Law H.R. 1546 that amends and strengthens the American Indian Religious Freedom Act and puts some teeth and jaws to it so we can go on with life with spiritual value.

I also, for the Quartz Valley Indian Reservation, would like to support American Indian Religious Freedom Act.

On behalf of the Quartz Valley Indian Reservation, I sometimes wonder what is our legal right to be a recognized Indian tribe. As a little boy running around on the Quartz Valley Indian Reservation I would find myself bare-footed. And I see today it is badly needed as a land base of the termination act that really hurt the Quartz Valley Indian Reservation so bad that we held on to our culture, but we couldn't hold on to the land.

For various reasons, the county has put debt on our Indian people, levied our deed to the land due to termination.

I have put forth to you a package of 20 items like these with our Constitution that we have to live by and that the Department of the Interior and Bureau of Indian Affairs recognize today.

So, again, as you will read in our documents, that you will thoroughly examine that we are what we are today as Indian people. Our constitutions are very strong.

I would like to ask the Senator if he can provide us a strong legal lawyer that can assist us with our problems, because the place where we are at we can't afford it. We can't get money to get a lawyer. I know a lawyer would probably cost $50,000 to take our case.

So again I would like to thank everybody here that I have heard testify. I know their struggles. As one of your spiritual leaders of Northern California I hear their voice and their cries for our children of tomorrow.

At this time, I would like to see that S. 611 also passed because of the recognition. I see a lot of Indian people homeless, and it is a sad thing to be a spiritual leader and to be what I am today.

I thank you for being here today.

[Prepared statement of Mr. Thom appears in appendix.]

The CHAIRMAN. I thank you very much, Mr. Thom. There must be a member of the California Legal Services here. If you get in touch with that person, I am certain they can provide you with legal assistance.

Mr. THOM. We have a letter in here for you.

The CHAIRMAN. Thank you.

Our next witness is Mr. Lee Morris, member of the board of directors of Urban Indian Health of California.

STATEMENT OF LEE MORRIS, BOARD OF DIRECTORS, URBAN INDIAN HEALTH, CALIFORNIA

Mr. MORRIS. Mr. Chairman and members of the committee, my name is Lee Morris. I am the executive director of the Santa Barbara Urban Indian Health, and also a member of the board of directors for the Urban Health Council.

In the past 25 years I have been either directly involved or indirectly involved in the local clinical setting and/or the Congressional staging at either the Office of Legislative Affairs at some point in time during the past years. As an advocate, then, as an organizer of the various Indian programs, I have seen the ways and means of the resource committees on both the reservations and urban settings. During this period in time, the American profile as we know it has not changed in the 20 years as we looked upon it during those first site reviews that I did 25 years ago. During the last decade the quality of life for the urban Indian continues to be stagnated by the continual cutbacks because of the parcel funding and subsidation by various programs.

Today's needs of the urban community do not differ greatly from the needs of the rural reservation people. We continue to earmark rural and urban issues or problems. We really don't have rural or urban issues or concerns; we have Indian problems, issues, and concerns.

And in so doing, the accountability becomes very important. In the forthcoming census accountability next year in 1990 some of the issues that we addressed back in 1980 were deferred to 1990. Some of the issues are still yet being deferred to the year 2000, some of which I will highly very quickly because of time constraints.

Question 4 of the census questionnaire clearly depicts some inequity in accountability that will surface again during the 1990s, as it did in the past ten years.

The local Indian Health Service has been extremely successful on the attack on some of the problems such as tuberculosis, maternal mortality, infant mortality, and other problems which respond to clinical intervention.

However, at the Indian Health Service headquarters it is the opinion that it has not been particularly effective nor creative in dealing with problems which exist within urban and/or reservation clinical society such as diabetes, alcoholism, substance abuse, domestic violence, substance abuse, AIDS, or mental health. Time, monetary, physical resources continue to hinder and hamper those programs.

Resource allocation in the State of California we have precluded 20 counties, which is not in the distribution, so therefore rural. In the rural and reservation settings, though, we would have to make up a difference of those three.

I know that I had a lot more to say. I certainly appreciate the time constraint, but I would like to echo one error of the lady that made a testimony before you during the last testimony at Sacramento. She told you that she used some of her welfare money to catch a bus to come here because she had a determination to become eligible to become an American Indian. Subsequently, that echoes in my territory. I held a hand of an elderly 3 months ago. Some of her dying breaths told me, "Make my children eligible. Make them an American."

Mr. Chairman, I thank you so much for your time.

The CHAIRMAN. Thank you.

And now we have Mr. Charles Abbott, Ms. Lisa Sundberg-Brown, Mr. Sam Jones, Ms. Sue Masten, and Mr. Robley Schwank of the Yurok Transition Team of Klamath, CA.

STATEMENT OF CHARLES ABBOTT, LISA SUNDBERG-BROWN, SAM JONES, SUE MASTEN, AND ROBLEY SCHWANK, YUROK TRANSITION TEAM, KLAMATH, CA

Mr. SCHWENK. Good afternoon Mr. Chairman and members of the staff. My name is Robley Schwenk. I am with the Yurok Transition Team. One other member is here with me, Mr. Sam Jones. The other three members are not here. They could not make it.

We are here to represent the Yurok Transition Team, which you are familiar with, under Public Law 100-580, the Hoopa-Yurok Settlement Act. There are five issues that we'd like to bring to your attention.

First, appropriations. The Settlement Act authorizes a $10 million Federal contribution to the settlement fund, and at least $5 million in Federal assistance for Yurok land acquisition. The Administration has requested neither.

Your assistance with the appropriation committee is critically important to fulfill the commitments made in the Settlement Act.

Second, land acquisition. There are several parcels of land at the mouth of the Klamath River which are for sale now which would be extremely important for the Yurok. Additionally, there is a parcel of land soon to be offered for sale by the California Department of Transportation that is on the Klamath River, and it could be used to solve the dumping problem which occurs along the Klamath River.

We need to have the BIA directed to acquire this land now and not wait until the interim council is established a year from now.

Third, technical amendments to the Settlement Act. The timeframes are too fast. The rancherias had to decide to opt in or out of the Yurok Tribe before any real analysis could be done. The decision should have been deferred until after the Yurok Tribe organizes.

We are also informed that with its current resources the BIA cannot have the settlement roll prepared within the statutory timeframe. There have been approximately 8,000 people that have applied to be on the settlement roll.

The eligibility criteria for the settlement roll requires verification. It is not clear whether all short-case criteria are to be followed. Also, Yuroks who are not descendants from allotment rolls are omitted from short criteria. These Yuroks should be eligible for membership.

The Yurok Transition Team should be denoted a tribal organization for purposes of Federal agencies and programs. For example, we have been trying to get involved in the USDA food surplus distribution program. They say we are not eligible for that.

Fourth, oversight issues. The BIA has failed to follow committee instructions contained in the Settlement Act. The BIA has neither conducted the necessary boundary surveys nor conducted the road needs study of the Yurok Reservation.

Because of the large number of applications received for the settlement roll by the BIA, it is possible that the numbers used by Congress in making its allocations of assets in the Settlement Act were in error. Since the Yurok Tribe was to receive the remainder of the settlement fund after all individual payments are made, if there are many more individual payments than had been projected, the Yurok Tribe will require additional authorization and appropriation.

Fifth, the Yurok fishery. The major resource to the tribe is its river fishery. Adequate water flows from the Trinity are critical for fish habitat.

We also need money for the natural fish-raising program that is already established. The safety patrol is needed for Indian fishers that fish at night.

The BIA has been unresponsive in all of these areas.

In conclusion, it should be pointed out that we don't have any representation as yet. We are merely the transition team. But there are many issues that are brought to our attention that we should be able to deal with.

Thank you.

[Prepared statement of Mr. Schwank appears in appendix.]

The CHAIRMAN. I would like to assure you that although the Administration has not requested funds as set forth in the Hoopa-Yurok Settlement Act, this committee will do its best to get that money.

Secondly, we will carefully study the other concerns that you mentioned.

Our next witness, representing urban Indians, is Robert Knapp.

STATEMENT OF ROBERT KNAPP, REPRESENTING URBAN INDIANS, LOS ANGELES, CA

Mr. KNAPP. My name is Robert John Knapp. I am a Seneca. I was born in Ontario, Canada.

I have been in this country amongst the California people for some years.

I want to thank the Creator for this time and to thank our relatives for this time.

It is not what we do here now to me. It is for the next generation. We have pressures on all of us now, but it is for our children that I am here.

When I look at this word "recognition" as I read this bill, it is talking about 40 or 50 years. Most of the people are of oral tradition, not of written tradition. The written tradition that it requires for proof is very difficult. It is very difficult to find scraps of paper in some trunk or some place put away.

I came here to speak for myself. Many have shared the same feelings. If the people are not recognized—if I go home and my children don't recognize me, my wife doesn't recognize me, I would feel real bad. I come here to hear, to listen, to speak, and to be recognized, as I am sure that's why we all came here. You can see that we are here.

For these years I have been here in California I have been honored and welcomed in many homes and ceremoney—some 20 years. Many urban people are people from rancherias, reservations, and those who are not Federally recognized. They still have their ceremony. They still act as a people. I am sure that they didn't start their ceremony to impress me 20 years ago when I came here.

When I read that bill, and I had always heard the rumors of how you had to be recognized and show this continuity or that kind of thing, and this continuity—some of the people are in small, family groups. They don't hold board members. The families get together and they share orally. Many do not read or write. My father never read or wrote. My grandparents were considered the same—illiterate.

And so to have this kind of proof that is being asked for seems pretty arbitrary. It seems like it is beginning to fail.

Recognition to me, in the psychological sense, if you don't recognize me I feel lonely and deprived. Our children are in drugs, alcohol. I volunteer to help in the prisons. There is a 90 percent return rate for Indian prisoners. These people need this recognition, because recognition, to me, is but one step into love.

The second step into love is respect. Without recognition there is no respect. Look around. Look at this land. It is beautiful, but now we have droughts. All over the world it is this way—no respect, no recognition for our relatives.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Knapp.

I am certain that all of you know that just because a bill is drafted and introduced does not mean that the bill will become law as is. It may not become law. We are here to get your thoughts on the measure. If you think it is bad, you tell us that. If you think changes should be made, that is what we are here for—to get your wisdom and your suggestions.

As to recognition, if I didn't believe in the recognition of Indians I would not have introduced the bill. I believe that you should have been recognized not tomorrow, but 500 years ago.

[Applause.]

The CHAIRMAN. Now may I call upon Mr. David O'Neil, member of the Yurok Tribe?

STATEMENT OF DAVID O'NEIL, MEMBER, YUROK TRIBE, HAPPY CAMP, CA

Mr. O'NEIL. Good afternoon.

I support S. 611, but I don't support any changes in the bill by Congress without Indian input, because as a Yurok I have witnessed abuse of Congressional power over Indians. 1988, my people were victims of Congress' plenary power through the passage of the Hoopa-Yurok Settlement Act.

The so-called Settlement Act deprives the Yurok people of their right to self-government. The act creates a new "Yurok Tribe" and ignores the tribal structure that has been ours for centuries. This new Yurok Tribe is a creature of Congress. It dictates how the tribal government will be organized. Congress dictates its creation, sets it membership criteria, and establishes its membership. The law also conditions Federal recognition of the Yurok Tribe only if they waive their right to file any claims against the United States.

You cannot join the tribe unless you give an irrevocable proxy to the tribal council to waive all claims the tribe might have against the government stemming from the provisions of the act. This law is punishment against the Yurok people for winning a 26-year lawsuit against the Federal Government.

It is true that no one is forced to join Congress' version of the Yurok Tribe. However, if the Yurok people refuse to join, we will loose our right to hunt, fish, and gather on our aboriginal lands. These rights were given to us by our Creator and have been ours for centuries since the beginning of time. If we do not join this new Yurok Tribe, we will be denied many of the Federal benefits promised to us when the rest of our aboriginal lands were taken from us.

The act ignores the rights of the Yurok people who live on what is now considered the Hoopa Reservation. Many of these Indians have lived in Hoopa for their entire lives. My father has lived there for more than 70 years. Many Yuroks were relocated to Hoopa by BIA during the 1955 and 1964 floods. Now they are denied the right to cut wood and gather and hunt and fish on the Hoopa Reservation. All of these rights were taken away from us without even holding a hearing on or near our reservation.

Hand-picked Yuroks were financed by Hoopa tribal members to speak in behalf of the majority of the Yurok people. These people were not our leaders and did not represent the opinions of the majority of the Yurok people. Most of these people are hired now as the transition team for the right to give up our rights as the Hoopa reservation.

I have entered this tape of a transition team meeting with the Yurok people where 500 Yurok people voted against the transition team. I enter this in as part of my statement. You can see it rather than reading it.

That's all I have to say.

[Prepared statement of Mr. O'Neil appears in appendix.]

The CHAIRMAN. I thank you very much.

Although the committee did not hold hearings in Yurok country, many hours and many hearings were held—one in Sacramento and several in Washington. So the committee did not ignore the views of the Hoopas or the Yuroks.

The CHAIRMAN. Now may I call on Ms. Lois Risling, board member of the Hoopa Tribal Business Education, representing the Plumas Indian County.

Is Ms. Risling here?

[No response.]

The CHAIRMAN. Our next witness is the director of the Northern Valley Indian Health, Mr. Gerald Kane.

STATEMENT OF GERALD KANE, DIRECTOR, NORTHERN VALLEY INDIAN HEALTH, INC.

Mr. KANE. Thank you, Senator, and your staff. Welcome to California again.

My name is Gerald Kane. I am the executive director for Northern Valley Indian Health, Inc., funded by the Federal Indian Health Service for the last 18 years.

Our program is the only service area that encompasses an eight-county service area, with an estimated population of 10,000 Native Americans living in the service area. The program has developed considerably over the last 10 years.

California health programs have been organized by the California Indian community, where the other Indian Health Service area programs outside of California have been government-created. Indian Health Service administers most health services outside of California. This makes California unique compared to other Indian Health Service area offices.

From the 9 demonstration projects created in 1969, the program has increased to 21 rural tribal contractors and eight urban programs. Over 700 employees are employed, with a total budget of $37 million for fiscal year 1989.

The issue of the Native American population in California has not been fully addressed. Hopefully the 1990 census will record the true Native American population census, both on and off the reservations and urban areas factual count.

California is receiving less than one-half the financial resources that other service areas receive with comparable Native American population figures in their respective states. The famous Rincon Equity lawsuit was not fully implemented by Indian Health Service. California has not been brought up to then 10 other Indian Health Service areas around the country.

Congress can no longer ignore California Indian problems, whether it be health, education, welfare, land bases, unratified treaties, et cetera. I, along with many other California Indians, appreciate your personal concerns, along with the Senate Select Committee on Indian Affairs members and your staff holding oversight field hearings in California.

Last June 20, 1988, Senate Select Committee on Indian Affairs field hearings in this same Sacramento County supervisor's chambers resulted in today's oversight field hearing. Today, Mr. Chairman, I want to point out that two oversight field hearings in California within 11 months is a significant milestone, but our goal and mission have just begun. There has not been any statewide consolidated California Indian effort since the Indian Claims Commission of the 1940s.

I will attempt to paraphrase the point that I want to make. Concerns that you have taken by written or oral testimony have represented a minute part of the overall California Indian concerns. A tremendous amount of emphasis has been placed on our poor health conditions. California Indians responded by forming health boards and consortiums.

Meanwhile, the BIA continues to cut back on BIA higher education grants. Higher education grants are needed to train and educate professional and para-professional Indian people for our health centers, tribal programs, Indian organizations, and to create role models.

The BIA nationally is looking at a 17-percent cut in funds. We in California are just beginning to understand the Public Law 93-638 amended to Public Law 100-472. There has been, both in BIA and IHS, resistance to California to fully implement the Indian Self-Determination Act. In fact, many California tribes believe Public Law 93-638 is a new law.

I would hope my comments will give the special oversight field hearing today some insight into the very diverse set of circumstances that has gone unresolved and sidestepped by Congress.

Hopefully, the vast complexities of our unresolved California Indian issues stated here today necessitates future oversight field hearings in California by yourself, the Honorable Daniel K. Inouye, chairman, Senate Select Committee on Indian Affairs.

Thank you, Senator, for a hearing from our people in California.

The CHAIRMAN. Thank you very much.

Our next witness is a member of the Wintu Tribe of Chico, Ms. Caleen Sisk.

STATEMENT OF CALEEN SISK, MEMBER, WINTU TRIBE, CHICO, CA, AMERICAN INDIAN RECRUITER, CHICO STATE UNIVERSITY, CHICO, CA, ACCOMPANIED BY DONNA CLARK, STUDENT; CHICO STATE UNIVERSITY

Ms. **Sisk**. Senator, I would like to give my time to a student at the college level to express some concerns at that level.

Ms. **Clark**. Hi. My name is Donna Clark. I am a student at Chico State University. I am from the Pitt River Tribe.

I would like to bring to your attention some recent incidents at Chico State that happened to the Indian students—the Indian Club. They were rather racist, but we believe the problem that came was perpetuated by a lack of support for the students and the faculty, not only at our university, but I believe throughout the State.

The Indian students are recruited into the university and are left with little support to exist in the community, so many of them fail.

We have no retention for the Indian students. There is no faculty, so we have no role models to guide us. We need these. We feel we need these. The administration doesn't see the importance of it, but if we're going to get through that university system—if we don't get through the university system, how are we going to ever achieve success for our people? There is a strong need for support in Indian education.

The **Chairman**. Thank you very much.

Ms. **Clark**. Thank you.

The **Chairman**. Our next witness is the chairman of the Rumsey Indian Rancheria, Mr. Philip Knight.

Is Mr. Knight here?

STATEMENT OF THE HON. PHILIP KNIGHT, CHAIRMAN, RUMSEY INDIAN RANCHERIA, WINTUN INDIAN PANEL, SACRAMENTO, CA

Mr. **Knight**. Good afternoon. I am Mr. Philip Knight. I am the chairman of Rumsey Indian Rancheria.

We do have some concerns there. One is on money allocations because our population is under 100 and we feel that our allocations are always last on the totem pole. In that way we can't do any economic planning with limited money.

The other concern is about housing. HUD housing—it seems like the scale on that sometimes gets out of proportion. Some of our people there are saying they can't meet the payments to HUD housing. They just don't have that last say on the control of the scales, and particularly with our sovereign powers, according to HUD.

The other one is the land sales. We have some land that we need to get back but, according to Federal court orders, we have to go to the court in a long procedure of courts. That kind of hinders our self-determination.

All those things—and I agree with a lot of these people here, too. We do have a lot of those problems, but these are the ones that are really an emergency to us.

I thank you for the time.

The **Chairman**. Thank you very much, sir.

May I now call on Mr. Erin Forrest, member of the Pitt River Tribe of Sacramento?

STATEMENT OF ERIN FORREST, MEMBER, PITT RIVER TRIBE, SACRAMENTO, CA

Mr. FORREST. Senator Inouye, members of the staff, my name is Erin Forrest. I am here representing myself.

I have watched this past summer as the Congress dealt with the question of land claims between the Yuroks and the Hoopas and the innovative way in which you resolved these land claims I think should be used as a pattern to resolve land claims throughout the State of California.

Most Indian lands were purchased for specific groups of Indians under various acts; however, by the time title was given, it was given, for example, to landless Indians of California. Such titles are almost meaningless. It is very difficult for Indian tribes to develop anything on land which may not be theirs in the future.

I would highly recommend that the Senate select committee review land titles in California and perhaps seek the same resolutions you have provided for Hoopa and Yurok.

The question of land titles translates to Congressionally mandated goals and to impossible dreams for us, and I would highly recommend that you, on behalf of most of the tribes in California which have clouded land titles, that something be done to resolve those issues.

[Prepared statement of Mr. Forrest appears in appendix.]

The CHAIRMAN. Thank you very much.

As all of you have had problems, I should point out that the Senate select committee also had problems. When I became a member of this committee, it was a temporary committee. Today it is a permanent committee.

When I became a member and a chairman we had no hearing room. It was the only committee without a hearing room. Today we have a hearing room.

When I became chairman, the non-Indians ran the committee staff. Today Indians run the committee staff.

When I became chairman, committee staff had left-over furnishings and old equipment. Today, we have the latest computers and printers.

When I became chairman, the committee had the lowest-paid staff. It is no longer the lowest-paid staff. However, the staff is still small and limited. We wish we could do all the things that have been suggested but, believe me, we will do our best.

It is almost sad to tell you, but I am the first chairman to ever visit Alaska, the Pacific Northwest, California, Oklahoma, the Plains, and the Southwest. The Indian committee has never been considered important until now. We are going to make it much more important.

[Applause.]

The CHAIRMAN. Now may I call on the chairman of the Kern Valley Indian Community, the Honorable Ron Wermuth? Is Mr. Wermuth here?

STATEMENT OF HON. RON WERMUTH, CHAIRMAN, KERN VALLEY INDIAN COMMUNITY, KERNVILLE, CA

Mr. WERMUTH. Good afternoon, Senator.

First off I would like to say that we are a tribe down where I live, and the people in my community—the white people—know that we are Indians, and they offer to support us all the time.

The people in this room know who we are and know who I am from all over the State. We recognize them, too, that they are Indians from their area. In fact, in the old times we knew who we were. First they said we were Paiutes, so we went along with that for 20 or 30 years. Then anthropologists came in and said that we were another tribe, so in 1978, when they came out with this Federal recognition bill, we had to prove who we were and who our ancestors were. So we quit being Paiutes and became these other Indians Tubatulabals and Kawaiisu. [Laughter.]

This was real hard. Anyway, the documentation is real tough. If you put Northern California down where I live, it is hard for us to get up here. It was hard for us to come up today. It took us eight hours just to drive here, plus we had to get a hotel and come up yesterday, then we've got to drive all night tonight after a ceremony just to get home.

A lot of us aren't working. It is tough, money-wise, to come look for documentation—even in Washington, DC. That is out of the question for us. We don't even know anybody back there. [Laughter.]

Nobody comes to visit us—no politicians.

The CHAIRMAN. I am here. [Laughter.]

Mr. WERMUTH. Thank you, Senator.

That is all I have to say.

The CHAIRMAN. Chairman Wermuth, what you have pointed out is real and a matter of grave concern to us. It is not quite possible for this committee to go to every reservation and every rancheria. After all, according to the Department of the Interior, there exists today in the State of California over 500 tribes, klans, and rancherias. They are so small that the Department of Interior describes your units as "tribelettes." [Laughter.]

Only in California do we have tribelettes. [Laughter.]

The CHAIRMAN. Some of you may wonder how I got onto this committee. As a general rule, a Member who represents a reservation State would seek membership on this committee. There is no reservation or klan or rancheria or tribe in the State of Hawaii other than the Hawaiian tribe.

As a Member of the leadership and the steering committee, I was given the assignment to fill a vacancy on this committee, and I asked every Member if he would want to serve on this committee and the answer was no. And so the leader of the Senate looked at me and said, "Why don't you serve on this committee?" I said to the leader, "I have no rancherias or klans or tribes or reservations." He said, "But you look like an Indian." [Laughter.]

That is why I am here.

[Applause.]

The CHAIRMAN. Our next witness comes from North Fork Madera County, Ms. Ivadell Mowery.

STATEMENT OF IVADELL MOWERY, NORTH FORK MADERA COUNTY, CLOVIS, CA, ACCOMPANIED BY RON GOODE, CHAIRMAN; NORTH FORK MONO TRIBE

Ms. MOWERY. I would like to introduce to speak at this time Mr. Ron Goode, who is chairman of the North Fork Mono Tribe.

Mr. GOODE. Senator, when I left for Hawaii a couple of years ago my people were a little afraid I was going to get lost over there in Hawaii. [Laughter.]

The CHAIRMAN. You look Hawaiian. [Laughter.]

Mr. GOODE. I am a judo instructor, and I was in judo for over 3 years before the Japanese realized I was Indian. [Laughter.]

But that's okay. We all know that they are our brothers. You see, they left California to go to Japan, we can tell because of how they walk. They have to take real small steps. When you walk 1,000 miles over the ice, you'd walk that way, too. [Laughter.]

Senator, I know you have sat here a long time. We appreciate your patience. We really do. I'll be short. It is no more than anybody else has been saying all along, but it really just reaches onto our religious and cultural matters.

On behalf of the Central Valley Reinterment Committee and the North Fork Mono Tribe, I wish to bring to your attention issues and concerns on religious and cultural matters.

On the whole, the American Indians' religious practices and beliefs are not totally accepted as a legitimate belief. This is not so on a community and local level where the awareness factor has been exposed by the media, historians, and cultural events. But on an executive level and on an uninvolved community level, the exploitation factor and unacceptance is very strong.

We are in constant negotiation with Federal, State, and local agencies, commissions, and developers on how to protect our sacred sites and cemeteries. Reference is made to an 1868 resolution on what constitutes a cemetery, and little consideration is given to the First Amendment or the 1978 Native American Indian Religious Freedom Act. Our strongest reference is public health and safety codes.

The most devastating of all is the destruction of our ancestral burial grounds by pothunters looking to exploit the artifacts and remains for financial gain. On a different level of exploitation is the vandalism of our rock paintings, as well as the abstraction in paintings sold for personal profit, with a thrusted dagger in our backs by those who misinterpret and misrepresent the religious interpretation.

I thank you for taking the time to hear our concerns, but they are much larger than the three minutes allowed. We would appreciate your staff meeting with our committee or even the Association of Non-Federally Recognized Tribes of California to take a closer look at the necessary legislation needed to protect our sacred grounds and our religious rights.

Thank you very much.

[Prepared statement of Mr. Goode appears in appendix.]

The CHAIRMAN. What you have just described is a matter of major importance to me.

Some of you may not be aware, but during the Indian wars the surgeon general of the U.S. Army, being a scientist, wanted to carry on an investigation involving Indian crania, because at that time it was believed that the larger your cranial capacity, the more intelligent you were.

So he sent a directive in writing to the officers and men in the U.S. Army who were then out in the field and told them that he would be most pleased if they could help him in his investigation by sending to Washington skeletal remains of Native American Indians.

Well, the officers and men were very cooperative, and hundreds of remains poured into Washington, to a point where the Army said, "Enough is enough," and they stopped the project.

After the passage of time, they turned the remains over to the Smithsonian Institution because they had no place to store them.

Together with the Smithsonian collection, today we have in Washington, DC, in the Smithsonian Institution, 14,400 skeletal remains of Indians, and 4,000 of Alaskans—18,400. If someone dug up my great-grandfather's grave it would be perceived as grave robbery; but apparently digging up Indian graves is in the name of anthropology and geology. We are going to stop that.

[Applause.]

The CHAIRMAN. Our next witness is the chairman of the hopland Band of Pomo Indians, the Honorable Don Ray.

STATEMENT OF HON. DON RAY, CHAIRMAN, HOPLAND BAND OF POMO INDIANS, HOPLAND, CA

Mr. RAY. Thank you, Mr. Chairman. I am back again. This time I have a little bit more testimony.

As you have seen, I have an extensive testimony—about 15 pages. In it I outlined the various Federal agencies, organizations, and such that have certain jurisdictions over those departments. I'll touch on as many as I can here before my time runs out.

The BIA. Since I deal with a lot of these programs and a lot of the Indian Health Service and HUD and EPA programs, I will make a comment on how we are dealing with those.

The Roads Department, Education Department, Housing Improvement Program, Training and Technical Assistance, and Indian Child Welfare have all been taken off of the band analysis in California, meaning that the tribes have no say so where those funds go. It is left up to the California Area Office to dispense those funds to whatever Indians they see fit or whatever programs they see fit.

What I am asking is your support for the return of all those programs back to the band analysis in the budget category for the State of California Indians.

Under the BIA land leases, there is a moratorium on land leases, we understand, and we'd like your support on the stoppage of that moratorium so that we can take our property—the property that we purchased—be it economic development, be it BIA, be it a HUD programs, we want to be able to put that land back into trust for Indians on our reservation. We'd like your support on that.

Every one of these things that I have written here I have recommendations. I have not made any statements without having a recommendation of reconciliation for your staff.

The Indian priority system. I sit on the board for the Indian priority system for the State of California, and we detailed a report to Washington several months ago. I don't know if your staff is aware of that. We'd like your support on implementing the Indian priority system in the State of California for the implementation of funds.

Indian Health Service. I have three issues with Indian Health Service. One is the Environmental Health Office, which my tribe specifically has sent a proposal to contract for that office to take over the functions, and we are meeting with some resistance or lack of motivation to get this done on our behalf. With contract status, the Bureau and the Indian Health Service of the State of California is kind of ignoring it, and they are kind of picking and choosing between the new 638 amendments that have come out as to what they want to implement.

This may not be popular, because I know there are Indian Health Service people and Bureau people here, so I hope I don't get repercussions from it later.

The CHAIRMAN. Don't worry.

Mr. RAY. The Housing and Urban Development—I would like your support on lowering the scale for a lot of the people that live on the reservation with the HUD homes. They have 25 percent of their gross salaries toward the rental or the purchase of those homes, and what it does is force a lot of people that have finally found jobs to give up their jobs or give up their home, one or the other, because they can't afford to live on the reservation. I have several on my own reservation.

The CHAIRMAN. How much are your houses?

Mr. RAY. I am asking it to be lowered to 15 percent.

The CHAIRMAN. But how much do they cost?

Mr. RAY. It runs from $400 to $800 a month. Several of the people that were working for my clinic had to pay somewhere in the neighborhood of $850 a month for rent, and in town, ten miles away, they could find a similar home for $600.

So what has happened is the person is either going to have to quit his job or go back on some kind of assistance.

The CHAIRMAN. What is the cost of construction?

Mr. RAY. For each individual home?

The CHAIRMAN. Yes.

Mr. RAY. About $50,000 or somewhere around there. So what I am asking for is to lower the scale for the gross salary that they take into account to 15 percent. I believe that should be a policy of the HUD administration.

Second on the HUD, I would like to request your support for the scattered housing sites. Presently when they build homes on the reservation they are all within a quarter of a mile of one another or within a block of homes. What we'd like to have is maybe a new policy from HUD stating that if the tribes want to have scattered homesites on their reservation, that it not be a deterrent from applying for the HUD homes.

Environmental Protection Agency. We came from a meeting in South Lake Taho, and, low and behold, they have started the Indian desk in San Francisco for the California Indians, but they have no moneys available to supply the Indian people for anything in environmental health.

What I am requesting is your support to help that agency seek funds to help the tribes in California for anything environmental.

I would also like to thank you for your time and the committee's time. I would also like to thank Osha from Senator Cranston's office. She has been very instrumental in helping me with a lot of paperwork.

Thank you.

The CHAIRMAN. Thank you.

Now may I call on Mr. Vernon Johnson, executive director of the California Council of Tribal Governments?

STATEMENT OF VERNON JOHNSON, EXECUTIVE DIRECTOR, CALIFORNIA COUNCIL OF TRIBAL GOVERNMENTS, INC., CA

Mr. JOHNSON. Thank you, Senator. I am back.

This is going to be very brief.

Mary Norton will be presenting some of the concerns of the California Council of Tribal Governments; however, several tribes wanted me to make a presentation. I have some written documentation here regarding the Susanville Indian Rancheria, which is where I am from.

I mainly wanted to bring to your attention a recent article written by Jack Beatty in the "Los Angeles Times." It is entitled "U.S. Spends Billions to buy Peace through Strength in Weapons." This is no recommended for taxpayers with Delegate Hart.

Since 1981, the United States has spent $2 trillion in defense, $750 million per day, $31 million per hour, $516,000 per minute, $9,000 per second. And we spend $736 billion defending Europe, $297 billion defending Asia, another $294 billion defending the Persian Gulf. Are we safer today?

What it results in is that each taxpayer over the past 7 years has spent $21,000 per household.

I think that with funding like this that is available, some of the money should be going toward Indian programs or Indian tribes. Many of the tribes that I represent—24 in Northern California—are small, they are isolated. Like Mary said, they are on rock piles. We need some economic development. We need funding for our youth. They are running rampant. They are getting into trouble on drugs. It is a terrible situation.

That's the content of my testimony right now. We need more money.

Thank you.

The CHAIRMAN. Thank you.

It may interest you to know that 3 months ago I became the new chairman of the Defense Appropriations Committee.

[Applause.]

The CHAIRMAN. So we may have a few changes. [Laughter.]

Now may I call upon the tribal leader of the Maidu Nation, the Honorable Clara La Compte?

Ms. LaCompte. I think you probably got us mixed up. We were on the first one.

The Chairman. Thank you. Then may I call upon Mr. Marvin Benner, member of the Maidu Tribe?

[No response.]

The Chairman. Mr. Benner is not here.

The chairperson of the Tule River Tribe, the Honorable Gilbert Williams?

STATEMENT OF HON. GILBERT WILLIAMS, CHAIRPERSON, TULE RIVER TRIBE, PORTERVILLE, CA

Mr. Williams. Good afternoon Senator Inouye and committee members.

My name is Gilbert Williams. I am the chairman of the Tule River Tribe. My testimony today will address two issues of primary concern to the Tule River Tribe which also have great impact on all California tribes.

In 1982, Tule River Tribe applied for an exception from the band budgeting process to allow the tribe to utilize its BIA contract money in ways appropriate for Tule River. Although the BIA opposed the application, it was approved by Congress in 1983.

The tribe has used this procedure since 1984. The BIA—specifically the Sacramento Area Office—and several agency superintendents have been open in opinion that this contract is inappropriate and that the tribe should return to the IPS procedure.

Throughout the life of this contract, the tribe has dealt with a variety of problems in its relationship with the Bureau. These problems can be grouped into four general issues: First, conflicting, incorrect, and omitted information on contract application procedures; second, no consistency in BIA staffing, interpretation of regulations, and decisionmaking responsibility; third, implied Agency status and services population questions; and, fourth, inadequate, inappropriate, or untimely monitoring and technical assistance.

The final result of these conflicts was a formal appeal filed by the tribe on December 8, 1987. The primary appeal was based upon the fact that the Bureau had not provided the tribe with contract application review information, even though the contract was submitted September 27, 1987. This delay was a clear violation of CFR regulations, and the tribe was nearing the end of the first quarter with no contract or information on how to obtain approval of this contract.

In December 1988, after a year of frustration, the tribe received a decision from the Indian Appeals Board which stated the appeals board did not have the jurisdiction or authority to remedy anything contained in the appeal. The appeal was returned to the Assistant Secretary for Indian Affairs Office for further action at that time. Despite concerted efforts by the tribe and its attorney, no further action has been taken.

The tribe understands that the area office contends that since fiscal year 1988 is over, the question of approving the contract is moot. The tribe does not agree. Congress appropriated $245,700 directly to Tule River for the purpose of providing services to its members.

The BIA has never provided adequate reasons for denying the contract applications. The loss of this money resulted in complete loss of fire protection, adult education services, and other critical programs for more than 1 year. The protection of the natural resources has been seriously jeopardized and critical projects are behind schedule.

Although the tribe has been granted their fiscal year 1989 contract, there is still a critical need for completion of projects and activities budgeted for fiscal year 1988. The Tule River Tribe respectfully requests the committee to intervene in its behalf and assist in securing the $245,700 Congress intended for Tule River.

The second area of concern is law enforcement on the reservations. The tribes of California have finally secured the right to contract for law enforcement activities; however, no additional funds have been budgeted to support these activities.

Tule River anticipates a minimum need of $50,000 in fiscal year 1991 to provide on-reservation law enforcement. If no additional funds are forthcoming, the tribe will have to reduce or choose between critical natural resources, education, fire protection, or youth programs and law enforcement.

I'll cut this short, Senator Inouye, since I am running out of time here. But I have the documentation to back up the balance of this report.

I sincerely thank you for taking the time to listen to me.

[Prepared statement of Mr. Williams appears in appendix.]

The CHAIRMAN. Thank you very much.

I have conducted many hours of hearings—into the hundreds. I have held hearings all over the United States. I have yet to hear one kind word about the BIA. [Laughter.]

So something must be wrong. I would hope that those of you here who represent the BIA would take these statements to heart. I am certain that these witnesses are not men and women of evil intent. They are desperate. And if you take it too lightly, we on the committee may get a bit desperate, too.

[Applause.]

The CHAIRMAN. Now may I call upon a member of the Wukchumni Tribe, Ms. Melba Casares?

STATEMENT OF MELBA CASARES, MEMBERS, WUKCHUMNI TRIBE, REPRESENTING THE WUKCHUMNI INDIANS OF SAN JOAQUIN VALLEY, CA

Ms. CASARES. Good afternoon Honorable Daniel K. Inouye, ladies and gentlemen of the committee.

My name is Melba Jean Casares. I am a member of the Wukchumni Tribe of California. I come before you today to give testimony in behalf of my great-grandfather, John Martin Davis, Sr., and my grandmother, Pearl Louise Davis of Drum Valley, CA, who were direct descendants of the documented 18 treaties negotiated but never ratified in 1850 to 1852 between California Indians and the U.S. Government.

Before I start my testimony I want to thank you, Senator Inouye, for your support in the recent passage of the reauthorization of the Indian Health Care Improvement Act, S. 129. I also want to thank you for introducing S. 611 in order to expedite and monitor the petitioning process for the Indian Federal acknowledgement.

I want to now address the issues of how the United States chose to address the issue of land tenure and what rights the Indians of California had concerning the land that they had lived on for past centuries. My opinion is that my people were dispossessed of their land, and when the United States decided to address this issue that the California Indians were unjustly compensated. An example of this is the California lawsuit that was finally settled in 1972 which only gave California Indians 47 cents per acre for their land. To this date, the record shows that the United States was negligent and unresponsive to the concerns of California Indian people—especially on land issues.

One of the most critical periods of Federal Indian policy was the enactment of the General Allotment Act of 1887, also known as the Dawes Act, and its effective aftermath. This act resulted in the reduction of vast amounts of Indian land and the breakdown of tribal economies and cultural and social aspects of Indian life in California.

The effects of the allotment period can still be seen today in California. Allotment deteriorated the existence of Indian tribal and individual land ownership and diminished potential of formation and implementation of tribal economic development efforts.

I feel that it remains morally incumbent that the United States, as trustee of Indian tribes, Federally recognized or not, deliver on its generations-old obligations to those tribes and their individual members. Federal Indian policy and the U.S. tribal intergovernmental relationship existed from the beginning for the benefit of all California Indians.

I feel that the time is long overdue for this Nation to address itself responsibly and creatively to assure the rights of California Indians to justice, equity, opportunity, and our cultural heritage.

In conclusion, Senator Inouye, I would like to recommend that a California Health and Education Bill be introduced by a Senator of your stature and political influence in order to protect over 70,000 disenfranchised and unrecognized California Indians that may loose all benefits in less than three years when a report on California Indian eligibility will be prepared by the Indian Health Services and sent to the U.S. Congress for action. This mandate is presently in the language of the reauthorization of the Indian Health Care Improvement Act.

We have suffered enough in California at the hands of the U.S. Congress. We want to be assured that the health and welfare of our people—especially that of our children and elders—be respected, guaranteed, and protected through a California Health and Education Bill.

I want to thank you and the committee for all you have already accomplished and done for American Indians and Alaska Natives. I wish you, Senator Inouye, a long life and good health and continued success in your political career, because when you win, Indian people will also win.

[Prepared statement of Ms. Casares appears in appendix.]

The CHAIRMAN. Many of the witnesses this afternoon have referred to the 18 treaties which were not ratified by my predecessors in the U.S. Senate.

It may interest you to know that the U.S. Government entered into 800 treaties with Indian nations, tribes, and klans. Of the 800 treaties which were signed by the Chief Executive or his representative, 430 were not ratified by the U.S. Senate. The Senate ratified 370 treaties. Of that number, with the passage of time, the Government of the United States violated provisions in every one of them. That is the sad history.

Now the President of the GreyEagle and Associates of Sacramento, Mr. Walter Hare.

STATEMENT OF WALTER HARE, JR., PRESIDENT, GREY EAGLE AND ASSOCIATES, SACRAMENTO, CA

Mr. HARE. Senator Inouye, I appreciate the opportunity to appear before you to present testimony.

My major focus is in status and economic development. Currently I am working quite extensively with the Greenville Rancheria.

My name is Walter Hare, Jr. I am an enrolled member of the Yankton Sioux Tribe. I am president and owner of GreyEagle and Associates. GreyEagle also does business as Excel Surety Group. We provide bid, performance, and payment bonds to construction companies.

As you have learned in a lot of your testimony previously, financing and surety bonding are two of the most critical issues facing Indian construction companies right now.

In addition, GreyEagle provides management services and technical assistance to American Indian tribes and individuals.

I formerly was executive vice president of the United Indian Development Association, which was formally known as UIDA and is now known as the National Center for American Indian Enterprise Development. At UIDA I managed five regional offices—three in California and two in Arizona.

GreyEagle would like to testify on two issues. I am probably going to take a little time from the chairman of the Greenville Rancheria, but my focus will be on the economic and business development we're doing at the tribe.

Greenville Rancheria has experienced the effects of termination as much as these other tribes, but they have been recently reinstated, but they do not have any land base.

One of the opportunities that Greenville has is that it is located in an area that possesses a lot of potential for economic development.

The other issue is relating to American Indian tribes and individuals economic development potential and some of the problems.

Greenville Rancheria currently has no land base, but has the opportunity, since it is located near a major railroad line and has a highway suitable for heavy loads and is in an area used by timber and lumber trucks.

The area has suffered major employment problems due to downturns in the logging industry, and has an abundance of labor, plant, and equipment available for economic development.

One of the problems that Greenville is facing right now is that they do not have a BIA-approved constitution. Although drafts have been sent several times to the Bureau for approval, it has taken many months with no approved constitution as yet.

Meanwhile, business is carried on by the Percy Tahata as chairman, Mary Hoff as vice chairman, and Ron Carmello as secretary treasurer.

Recent conversations with Ron Carmello as secretary treasurer identified the following other concerns: Money for housing and tribal members, and problems with Federal funds appropriated for Indian tribes and not equally distributed where tribes have considerable needs and problems for band analysis.

GreyEagle is currently working with the tribe to develop a manufacturing facility to create wastewater and sewage treatment plants that do not require perkable land that can be used in almost any location. That is perfect for tribes— and especially islands, such as Hawaii. It is new technology.

Thank you.

[Prepared statement of Mr. Hare appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Hare.

Our next witness is the chairman of the California Rural Indian Health Board, the Honorable Dennis Hendricks.

STATEMENT OF HON. DENNIS HENDRICKS, CHAIRMAN, CALIFORNIA RURAL INDIAN HEALTH BOARD, SACRAMENTO, CA

Mr. HENDRICKS. Thank you, Senator.

Briefly I would like to comment on some of the areas of concern that we have.

We support S. 611 for tribal recognition because there is no dilution of health services money because these Indians are already eligible here in this State. It further allows these Indians to share in the governance of their own health and welfare affairs. This is the first bill to tackle the long-neglected problems and not just the symptoms, and we are glad to see that finally the unratified treaties are also being considered.

Next we would like to see full funding of the Indian Health Care Improvement Fund—at least over the next 3 years. We know that nationally there is a shortfall in Indian health care of $447 million. In California, alone, there is a shortfall of $45 million.

As the senior member of the Senate Appropriations Committee, we ask that you carry our concern on this forward.

In addition, we would like to see more administrative efforts in these areas that we also support: First, tribal economic development funding; second, the Indian Child Welfare Act. We'd like to see an extension of services in California; third, is the timeframes on approvals that need to be kept by the government. Examples of these are 638 regulations and contract signing, and also for the approval of tribal documents; and, fourth, we would like to see a continuing of the core management grant. We'd further like to request that set-asides for small tribes be given for all grants and contracts in each category of funding so that these tribes can continue to compete on an equal basis.

We would also like to request a consideration to repeal Public Law 83-280. This will allow more aspects of our social lives for control by those tribes in a number of areas—in the areas of police, courts, and even social welfare programs.

Last, yesterday and today you have been made aware of many of the problems that exist here in the State of California. Perhaps you might want to consider establishing a special California Indian Commission which could spend a year gathering material for what could be an omnibus bill for our California Indians.

Senator Inouye, we know that you have spend more time in Indian country and more time in California than any other previous chairman of the Senate Select Committee on Indian Affairs. This work has already been of benefit to our people, and I would like to note and thank you for the reauthorization of the Indian Health Care Improvement Act and the reauthorization of the Indian Self-Determination Act by the 100th Congress. We hope you will be equally successful as you address the continuing problems you have heard today and yesterday, and also as you go forward and participate in the 101st U.S. Congress.

Thank you, Senator.

The CHAIRMAN. It has been a pleasure spending time in Indian country. In fact, I have had more salmon in the last 2 years than in my whole life. [Laughter.]

Now, from the Table Bluff Rancheria, Mr. Albert James.

STATEMENT OF JOHN JAMES, MEMBER, AMERICAN INDIAN COUNCIL OF MARIPOSA COUNTY, MARIPOSA, CA

Mr. JAMES. I thought you had forgotten about me.

Mr. Chairman, I would like to talk about what the Federal Government has classified as new tribes money. I don't know if you are aware of it or not, but $1.6 million was set aside for 18 rancherias and reservations in the State of California involving the Tillie Hardwick case and the Table Rancheria to more or less be on their feet again when they became recognized.

What the BIA did was put it in the overall 638 budget for all the rancherias and reservations throughout the State of California. Many of the rancherias to this day yet don't know what new tribe money is really all about. Many of the rancherias had never heard of it.

I would like to see a complete investigation done on these moneys. If we can get them back and get them to the rightful people that these rancherias should have gotten—it named the rancherias and how much they were supposed to get per year. Hell, they never did get it. This is sickening.

The BIA calls it entitlement moneys. They called 93-638 moneys entitlement moneys, but they are not. They are not entitlement moneys at all—competitive moneys. We don't compete with the rancherias, we compete with the Federal and the BIA to get these moneys.

Also I would like to see an appropriation bill submitted to Congress to assist all the rancherias and reservations in the State of California that came under the termination for the benefit of housing, water, sanitation, land, and such as that, to help them out.

That's all I have got to say.

Thank you.

The CHAIRMAN. What all of you have been citing is a constant problem for the committee, because there is no secret that whenever the administration has to cut something, the first place they look is the Indian budget. Two days ago, while I was in Tulsa, I got word that the Tulsa Health Clinic, which serves 17,000 Indians in Tulsa, OK, was given the word to close up its operation in 90 days. That's efficiency, they say.

Our next witness represents the Northern Valley Indian Health, Mr. Tommy Merino.

STATEMENT OF TOMMY MERINO, BOARD MEMBER, NORTHERN VALLEY INDIAN HEALTH, INC.

Mr. MERINO. Senator Inouye, it feels like 10 months ago I was here. I did not testify. I listened to all the testimoneys.

My name is Tommy Merino. I am a Mountain Maidu. I am a member of the Northern Valley Indian Health, Inc., and a representative of Plumas County.

I would like to begin by thanking you, Senator Inouye, and the select committee, for holding hearings again in Sacramento.

The problem I see and I feel is a problem on Public Law 93-638. I have handed in my testimony, and some of it I will present orally.

Back in 1975, 93-638 became law. We had a big organization in the State of California, the California Rural Indian Health Board, with some 16 projects in the State. So at that time there was money to be had if you went 638. So some of the project went 638. Some of them folded up by the wayside. Some of them came back into the California Rural Indian Health Board.

Now in 1988 we face the same thing--638 is going to give us some more money to the Federally recognized people in the State of California. But I am talking for the non-Federally recognized people in the State of California that are having health services.

In my eight counties that I am a board member of, we are roughly serving over 5,000 people or more. Out of that group we have, as far as my records show, 6 small tribal organizations that are rancherias. Out of that group there is no way we can find out the true figures, but we feel between 500 and 550 are Federally recognized. So under the 638 law, the tribe wishes to exercise more effective control of Northern Valley Indian Health Program by making it a tribal health program directly responsible to tribal government, and that such tribes shall exercise exclusive control over the structure, policies, and activities of the organization. The new board will consist of members selected by the Federally recognized tribes.

I feel in my mind that this is a deal more or less of divide and conquer. We've been working on the Federal eligibility deal, on which we have a 3-year moratorium. And then the Indian Health Service will come up and find out whether we are Indians or not Indians in the State of California.

If we go under the tribal organization as an umbrella, i feel that 3 years down the line when we get ready to talk about eligibility, if we are not on the right track they're going to tell us we aren't under a tribal umbrella and we cannot help you.

So I think the non-Federally recognized people throughout the State should watch what is going on in our health program.

Thank you again, Senator Inouye.

[Prepared statement of Mr. Merino appears in appendix.]

The **Chairman**. You can be assured that we will not jeopardize your eligibility.

Now we will hear from the secretary of the Board of Commissioners of the Northern Circle Indian Housing Authority, Ms. Harriet Stanley.

STATEMENT OF HARRIET STANLEY, SECRETARY, BOARD OF COMMISSIONERS, NORTHERN CIRCLE INDIAN HOUSING AUTHORITY, UKIAH, CA

Ms. **Stanley**. I am here as a substitute, so I am going to read part of this and probably leave some of this written paperwork for you.

My name is Harriet Stanley. I am the secretary of the Board of Commissioners of the Northern Circle Indian Housing Authority.

Some 12 rancherias, or small reservations, in Northern California, have established Northern Circle to construct and administer low income housing on their reservations. Northern Circle serves rancherias in five counties.

Because I am substituting, there are about four pages of things I haven't read, so I am just going to introduce myself and say if this committee takes one message back to Washington, that message would be: adequately fund housing programs for California Indians, ensure that HUD allocates adequate housing units for California Indian, and for the long-neglected rancherias, in particular.

Thank you for the opportunity.

[Prepared statement of Ms. Stanley appears in appendix.]

The **Chairman**. May I now call on a member of the Yurok Tribe, Mr. Lawrence O'Rourke.

STATEMENT OF LAWRENCE O'ROURKE, MEMBER, YUROK TRIBE, WITCHPEK, CA

Mr. **O'Rourke**. Mr. Chairman and committee members, thank you for the opportunity to appear before you today to voice concerns of the Yurok, Karok, and the Tolowa people regarding protection of sacred lands—specifically religious prayer sites and ceremonial grounds used by native people since the beginning of mankind on this continent.

My name is Lawrence O'Rourke. I am of Irish and Yurok descent. I live in Northern California on the newly-named Yurok Indian Reservation of the Lower Klamath River. I come from the old village of Morek, and my family comes from the house of Kerget-ser, where we have resided since the beginning of people here.

I come from a family of dance people, medicine people, and Indian doctors. Therefore, it is my responsibility to appear before you today to inform you of a serious injustice that has befallen the Yurok people and all other native people across this Nation.

A recent decision of the U.S. Supreme Court entitled *Lyng* v. *Northwest Cemetery Protective Association,* in short, is a case that involves our struggle to stop the U.S. Forest Service from completing a 6.2 mile segment of road through or near an area known to the courts as Doctor Rock, Chimney Rock, and Little Medicine Mountain.

I am not here to discuss the legal aspects of the case, as they have already been discussed in the court of law. I am here to discuss and to share with you some of what this place means to our people.

This area is known to the Yurok, Karok, and Tolowa people as Hath-Keek or the High Country, which translates to English as "way out there." That's our prayer grounds where we go way out there.

It has always been, and will continue to be, the Yurok way to care for this place and all of its inhabitants. We have, by spiritual law, permissable use to sustain our physical being through this lifetime. Along with permissable use, we also have the responsibility to care for and protect this way. In this way, we are all related—all the plants and animals and all living things of the world. It is by the earn and our relations that we as humans exist here. They, alone, sustain our physical being as long as we walk on this Earth.

It is through Hath-Keek, or the High Country, that our spiritual being is sustained. It is through this place that we learn of our spiritual being. It is through this place, also, that we learn of our relationship to all living things of this world and beyond. It is through this place that we learn of our personal medicines and all medicines of the universe.

I stand before you today to speak for this sacred place of prayer that has held us close through the passing of time.

We are not asking for any special privileges or rights. We are only asking for you to recognize us as people who have a need to pray in a way that we were given, in a manner that we must in order to remain here. We only want what every other citizen and every other race in this country has: the right to be free to pray and live according to our spiritual beliefs.

I will cut it short here.

What we need: as of March 21, 1989, a bill was introduced in the House of Representatives by Mr. Udall to amend the American Indian Freedom of Religion Act of 1978. It is hopeful that this amendment will both restore the native peoples' first amendment rights and preserve and protect the ancient traditions and medicines of the Yurok people and all other native people across this land.

Thank you for your time.

[Prepared statement of Mr. O'Rourke appears in appendix.]

The CHAIRMAN. Most people of the western world have been lead to believe that when you pray you pray in a building with walls and ceilings. I would like to suggest that Indians do pray in buildings. The ceilings are the sky, the mountains are the walls, and the trees are the steeples. So you have got your own church.

[Applause.]

The CHAIRMAN. May I now call on the chairman of the Colusa Rancheria, the Honorable Wayne Mitchum?

[No response.]

The CHAIRMAN. Mr. Mitchum is not here.

May I now call on the tribal chairperson of the Cortina Rancheria, Ms. Mary Norton.

STATEMENT OF MARY NORTON, CHAIRPERSON, CORTINA RANCHERIA

Ms. NORTON. Senator, I am a little bit short and I didn't know that I was going to be on at this time for Cortina Rancheria, but I am also wearing several other hats.

I will not take too much of your time.

I am the chairperson of Cortina Rancheria. My name is Mary Norton.

First of all, I feel like I am in support of the people that have not had the recognition from the Wintu Tribe. I very much support the ones that are the elders that are coming up on the Religious Freedom Act. I am very concerned about the Shasta area. In doing so, we do practice our religion up there and go to the Shasta, Cold Spring Mountains. Mrs. Jones will be up here, and I feel like I am in support of her also.

In taking these few minutes, I am also supporting the land acquisition, which I feel there is a rumor that there will be a moratorium on it. It concerns me very much.

Looking at the State of California, many of our lands are small. We do not have large tracts of land for each tribe or those that are coming under recognition. The land that we are on many people don't look at as farmlands or timber or whatever the case may be. We are on rock piles. I may have other names for it, but I won't say it here. I get very disturbed about it. I feel like acquiring more land, and they say you already have land and you're not using it looking at based on individual reservations. It is because it is not suitable for housing. Because of the water in my area I have lost several houses. I am not building anymore. I am trying to acquire more land for my people so they can be there and have some kind of suitable jobs for them or putting up buildings or working with alcohol and drugs, as we say we need it.

But there are other things that I can take more time doing. I'll have it in my written testimony.

Thank you very much for giving me this time this afternoon.

[Prepared statement of Ms. Norton appears in appendix.]

STATEMENT OF VLAYN McCOVEY-BIGOVICH, COAST INDIAN COMMUNITY

Ms. McCovey-Bigovich. Honorable Senator Inouye and distinguished members of the Senate Select Committee. My name is Vlayn McCovey-Bigovich. I am the official representative of the Coast Indian Community of the Resighini Rancheria.

In 1939 the Coast Indian Community was formally established by Executive Order. The Coast Indian Community is located within the boundaries of the Hoopa Valley Indian Reservation. We share a common ancestral origin with aboriginal Yuroks of the larger Indian trust territory. We have historically exercised aboriginal hunting, fishing, and gathering rights within and throughout the larger Indian trust territory.

With the recent enactment of Public Law 100-580, now commonly referred to as the Blackmail of Indian Rights Act of 1988, we are placed in the bewildering predicament of having to choose either to terminate the political corporate status of the rancheria or relinquish important vested rights within the newly-established Yurok Reservation.

The Coast Indian Community has these issues and recommendations for your consideration: First, we recommend the repeal of Public Law 100-580; second, we recommend the establishment of a blue ribbon committee to research and develop a settlement plan that is truly beneficial to the affected Indians and offers a more prudent management option for Indian trust money.

We offer these issues for this committees consideration: we recommend that the Coast Indian Community remain as we stand and retain all of the aboriginal rights that we have historically exercised since time immemorial; the CIC requests the Secretary of the Interior to cause an independent survey of the rancheria to clarify and correct said boundaries, because all previous surveys show discrepancies with regard to total acreage and important river frontage; we strongly recommend that Public Law 580 be amended to remove the bribery influence from the tribal decisionmaking process. In other words, remove all grants of money for selecting a settlement option.

would like to comment here that the Yurok Tribe in the last couple of years was figured at maybe 4,500 Yurok Indians. Since this bill has been introduced, there have been over 9,000 applications in there. It is my opinion that it is because of the money influence in there that is being offered—the $5,000 for selecting this plan or the $7,500 for this plan or $15,000 as a complete buy-out. I think that serves more to muddy the issue of who is and who isn't an Indian of that reservations.

Because the Coast Indian Community was already a Federally-recognized tribal entity no different than the Hoopa Valley tribal entity, the CIC is confused as to why we were mentioned in Public Law 580 as excluded from any input into the bill, as well as the settlement fund distribution.

In conclusion, the Coast Indian Community hopes our testimony will prompt the action needed to repeal Public Law 580.

Before closing, I wish to take this opportunity to express the CIC's endorsement of the following important pending legislation: S. 611, the Indian Federal Acknowledgement Administration Procedures Act of 1989 and H.R. 1546, the American Indian Religious Freedom Act of 1989. We strongly urge the Senate Select Committee to develop analogous Senate legislation, and that the advancement of American Indians' religious freedom be placed in the top priority of this committee's 1989 work agenda.

Thank you for your time and attention.

[Prepared statement of Ms. McCovey-Bigovich appears in appendix.]

The CHAIRMAN. And now Mr. John Trippo.

STATEMENT OF MR. JOHN TRIPPO, MISHAWEL WAPPO OF ALEXANDER VALLEY

Mr. TRIPPO. My name is John Trippo from the Mishawel Wappo of Alexander Valley in Sonomo County, CA.

My cousin testified here 10 months ago, but he is getting old now and I am helping him out.

I remember a long time ago my grandfather was involved with a land claims judgment process, but he never did live to see the process results. With this bill, I am hoping that we will be able to see the results.

I see elderly people here. I see babies here. Will they be able to see the results of this bill? Will we be able to say that we are recognized in the years to come? Will the older people, before they pass on, say they are from a recognized tribe?

I know you met my nephew just a while ago. Will he be able to say in 10 or 20 years that he is from a recognized tribe and that he met Senator Inouye in 1989?

I also have a daughter that is 13 years old who will be an adult in a few years. Will she be able to say she is from a recognized tribe? I hope so with this bill.

Thank you, Senator and committee, for letting me speak.

The CHAIRMAN. Thank you very much.

Now we will hear from Mr. Percy Dejaraga.

STATEMENT OF MR. PERCY DEJARAGA, GREENVILLE RANCHERIA

Mr. DEJARAGA. would like to address a couple of issues.

First off, my name is Percy Dejaraga. I am the tribal chairman from Greenville Rancheria. I am fairly new in Indian business. It has been quite an exciting year. As of June I will be in for 1 year. All I have heard was no, no, yes, spend money on proposals.

First would like to talk about land. Our tribe is a *Tillie Hardwick* case, and we have no land. We've put a proposal together asking for money to purchase land. We have people that we have talked to a few times and are willing to work with the tribe for selling the property and would like to see it in Indian hands once again to do with as we will. But as it came down, it was shot down.

I would like to ask for special assistance from somewhere in Washington to help the tribes or set aside land for the people that don't have land, because you can't do anything without land. You can't build houses. You can't build any kind of a manufacturing corporation or almost anything. That is the case with a lot of the tribes in California.

would like to address another issue of health care. With the passage of Public Law 99-638, the tribes have responsibility to take over their own health care. As pertaining to Greenville Rancheria in working with Northern Valley Indian Health, we sent a letter to Northern Valley asking for an itemized breakdown of how many people were being served, what the budget status was, the breakdown of the cost of money and where the money was going—breakdown of third-party moneys within the eight counties, of which Greenville is just a satellite.

We got back a letter saying that they weren't available. We went to an IHS meeting a couple of days ago and we asked them for the breakdown. It seems kind of ludicrous to me that IHS would give a company $2 million per year and not have an idea of where the money went or where the third party moneys coming in would go. It seems really irresponsible to me.

I think that we need to look into that kind of an organization and find out where the money is going.

The biggest concern with Greenville is health care. As of now, we have a 4- to 6-week waiting list having dentist appointments going to Orville, which is another county away. We are having problems with that. Health care is just not being delivered in our area.

So we might have the same problem other tribes have in California with health services, so would like to bring it up and get it out in the open that it is the responsibility of the tribes under 99-638 to deliver that kind of health care.

Last of all, would like to thank you for giving me this chance to talk to you. I have been watching you most of the day, and it seems that you are a really intelligent man. I think we're going to go a long way, and I am really, really pleased and happy to be dealing with someone of your character.

Thank you.

The CHAIRMAN. Mr. Dejaraga was the last witness. I am sorry, but—

Mr. BORK. Senator, may I have 2 minutes of your time? I want to speak. My name is Dick Bork, and I want to speak on behalf of an elder of the Wintu Tribe—

The CHAIRMAN. Well, I—

Mr. BORK. She's about 100 years old, and she has been sitting here all day. She is an elder of an Indian tribe.

The CHAIRMAN. Mrs. Smith, will you come up, please?

STATEMENT OF LOUISE CHARLES-SMITH, WINTU-MAIDU

Mr. Bork [for Ms. Charles-Smith]. She can't come up.

The CHAIRMAN. She can speak from there.

Mr. BORK. She is 100 years old. would just like to say briefly what her problem was and what happened with her. Part of it is a love story.

She is a Wintu, as I said. In 1916 she went to Greenville, the industrial school up there, and she met Seymour Smith, a respected elder of the Maidu Tribe, and they got married. They lived together for 70 years after that marriage until Seymour passed away. They have over 100 descendants in Indian Valley.

I spoke with Mrs. Smith yesterday at her home in Indian Valley. I didn't know she was coming, because of her age.

When Seymour passed away she applied for Social Security. The Social Security Administration—by the way, on her 70th wedding anniversary, the President and his wife sent her a congratulation on a long and happy marriage.

When she applied for Social Security, the Social Security Administration said she was not eligible because they were only living together. [Laughter.]

Fortunately for her—unfortunately for other California Indians—there is a law in California, 5138 of the civil code, that only outlawed Indian marriages after 1958. That law passed in 1970. So we were able, through that law, to get her benefits to her.

Other people are affected by that law in California, and it is an example of how the Wintu, the Maidu—we have a nation of Maidu people. I see a lot of Maidu people here. They can't get recognition. I know there must be at least 3,000 Maidu in the River Country up there, but they are not recognized as Indians.

Thank you for your consideration, if you can look into that. And, at the same time—

The CHAIRMAN. That is my bill. [Laughter.]

Mr. BORK. Down here in Sacramento they have the remains — when they put those dams in in the River Country up there in Orville and Uba County, they covered the old ancestral grounds of the Maidu. They have had them in boxes here since 1977. They did a $10,000 study and said bury them. The court stopped it because of the environmental impact, yet these people are still here.

Thank you, sir.

The CHAIRMAN. Thank you.

I thank all of you for your patience in sitting and listening to the testimony. It has been a very important day. I can assure one and all that what you have said will be considered very seriously.

With that, the hearing is adjourned.

[Whereupon, at 5:30 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF MARILYN B. MILES
BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
OVERSIGHT HEARINGS ON ISSUES OF CONCERN TO CALIFORNIA TRIBES

April 28, 1989
Sacramento, California

Mr. Chairman and Members of the Committee, I take this opportunity today to call to the Committee's attention the need for federal legislation protecting the religious and cultural rights of Indian people.

My name is Marilyn B. Miles and I am an attorney with California Indian Legal Services in Eureka, California. Throughout my years as an attorney with California Indian Legal Services I have had the opportunity to represent various tribes, Indian organizations and individuals struggling to protect their cultural traditions and heritage. While the problems Indian people face in maintaining traditional ways are many and range from protecting burial sites to being able to possess objects considered sacred and necessary for traditional practices, the destruction and desecration of sacred sites located on federal lands by federal agencies is of critical importance.

Other witnesses appearing today will be testifying on numerous other issues of concern to California tribes; however, the protection of tribal traditional religious and cultural practices cannot be forgotten or overlooked for they go to the very core of tribal existence.

The struggle of Yurok, Karok, and Tolowa Indians to protect the Chimney Rock/Doctor Rock area, a sacred area located in their aboriginal territory on land now part of the Six River National Forest, illustrates the destruction Indian people's traditional religious practices face at the hand of federal agencies. For generations, northwestern California Indians have considered the Chimney Rock/Doctor Rock area to have particular spiritual significance and the area has played a central role in their religious ceremonies and rites. Despite the fact that the Forest Service's own experts and two federal courts have confirmed that development of this area is "potentially destructive of the very core of the Northwest Indian religious beliefs and practices" (Theodoratus Report), the Forest Service is still considering constructing a road through the middle of this sacred area.

The case of the Gasquet-Orleans (G-O) Road has gone all the way up to the U.S. Supreme Court only to have the Supreme Court reverse two lower federal courts and tell the Indian people in Lyng v. Northwest Indian Cemetery Protective Association that the First Amendment does not protect this type of religious practice and that the American Indian Religious Freedom Act of 1978 is merely a policy statement with "no teeth" and thus provides no legal remedy against the destruction of Indian sacred sites and traditional religious practices. As a result, American Indians today are left with virtually no protection against perhaps the gravest threat to their religious practices: the destruction of their sacred sites by federal agencies such as the U.S. Forest Service.

In Lyng the Supreme Court acknowledged that federal land decisions can have "devastating effects on traditional Indian religious practices" and can "virtually destroy the Indians' ability to practice their religion," nevertheless, the Court held that the First Amendment did not contemplate this type of governmental prohibition of religion and placed the task of protecting Indian traditional religious practices and sites on Congress.

It is clear therefore that mere policy statements regarding the Government's appreciation and respect of Indian traditional religious rights is not enough. On behalf of the Indian people represented by our office, I urge the Chairman, the Committee members, and other members of Senate, particularly Senators Cranston and Wilson, to introduce legislation to strengthen the American Indian Religious Freedom Act. As Senator Cranston stated last year when he introduced S. 2250, "the time has come for Congress to take steps to halt the increasing infringement on the religious prerogatives of American Indians." An important first step would be the reintroduction of a bill requiring Federal agencies to manage Federal lands so as not to impair or interfere with the exercise or practice of traditional Indian religion.

On March 21, 1989, Representative Morris Udall of Arizona introduced such a bill in the House and I respectfully urge the members of this Committee to support a Senate version of such an amendment to the American Religious Freedom Act.

Indeed, it is incumbent upon Congress in keeping with its trust obligation to Indian people, to enact legislation to ensure the continuing vitality of tribal religious traditions and culture.

Charles Thom, Sr.
P.O. Box 144
Montague, CA 96064
Tel. (916)459-3965
(916)459-3837
March 27, 1989

I am a full-blooded Native American Indian from the Upper-Klamath River area of Northern California. I am a hereditary medicine man and ceremonial leader of the Karuk tribe, and I am interim Secretary-Treasurer of the Quartz Valley Indian Reservation.

I am deeply concerned about several issues concerning our sacred and hereditary land. These issues not only affect Indian people, but also all citizens of our country, expecially the children who will inherit the responsibilities of caring for our nation. As an Indian leader and medicine man, I see that the deepest needs of the Indian people also concern the health of the American Continent. We Indian people love our land of North America. We took care of it for thousands of years, and we know it very well. We see that we can help with many of the problems that face our country today, and I offer you an opportunity to hear me as a Native American who wishes to assist you. The topics I wish to discuss with you are listed below, and additional material about them is attached.

1. The Sacred Mountain, Mt. Shasta must remain free from development, for it is a sacred place that is vital for the healing of the earth.

2. Our Sacred Altar area, referred to as the G.O. Road, must be protected.

3. Our Ancestral Village and Burial sites must be protected. One mile on each side of the Klamath River, from Clear Creek to Bluff Creek should be protected as ancestral Indian land.

4. Quartz Valley Indian Reservation, landless due to unlawful termination, requests land to be a functioning community of Native American Culture.

I hope that the information I can provide can support your work to protect our land and our rights. This is urgent, requiring immediate attention. We know that much more must be done, and I will help in any way I can.

Respectfully,

Charles Thom Sr

Charles Thom, Sr.

We are in support of Bill H.R. 1546, that AMENDS and STRENGTHENS the American Indian Religious Freedom Act of 1978 (AIRFA, P.L. 95-341).

Charles Thom Sr

QUARTZ VALLEY
INDIAN RESERVATION

INTERIM TRIBAL OFFICE
P.O. BOX 737, ETNA, Ca. 96027
TELEPHONE: 467-3307 or 467-5409

QUARTZ VALLEY INDIAN RESERVATION

A. CULTURAL HISTORY OF ABORIGINAL INDIAN PEOPLE OF NORTHERN CALIFORNIA PORTRAYS A LIFE OF HARMONY WITH NATURE AND CARE OF THE LAND.

We are mainly from two tribes of Indians, herein referred to as "Shasta" and "Upper-Klamath" (referring to Upper Klamath River and often called "Karuk" or "Karok" meaning "up-river"), which are known to be native to Northern California. Our Native territory extended from the vicinity of Mt. Shasta, westward into Scott Valley, Quartz Valley, Salmon Mountain, and along the banks of the Klamath River to Bluff Creek. Although two distinct languages are spoken, we are known to be related, both members of what anthropologists have called the ancient Hokan language family, believed to be the original inhabitants of Northern California.

Until 1849, when non-Indian settlers arrived seeking gold, our ancestors lived in our ancient, traditional way as our had for thousands of years. We lived what we called "the good life", close to the natural laws set down by our Creator. We had an abundance of food, never having to till or grow a crop. We lived naturally, carefully observing strict laws to guard our wildlife water and all resources so that everything remained pure and in balance. Our land was so beautiful, pure, and plentiful the we had time to develop a rich culture of songs, stories, and ceremonies. We had sacred places where medicine people prayed and trained. We knew every mountain and valley, and used them according to our laws. We cared for our wildlife, having strict hunting and fishing laws that evolved from careful attention to the cycles of nature. We cared for our forests, keeping them protected from destruction by fire or plague. We had everything we needed; even the medicine to cure every ailment grew around us. Our children were well trained, growing strong in body, mind and spirit. Our people were healthy and lived long, productive lives, many living to be over one hundred years old. We shared. No one stole from another without repayment under carefully observed laws. We taught our culture to other Indians who moved into the area, including the Yurok, Hupa, and Tolowa.

B. UPPER KLAMATH AND SHASTA INDIAN PEOPLE EXPERIENCED DEVASTATING LOSSES OF LIFE AND LAND BEGINNING IN 1849 GOLD RUSH.

Hit especially hard during the days of early non-Indian settlers, both the Upper Klamath and Shasta Indians suffered great losses of life and land. Whole villages were burned, and many families were massacred. Many Indians were forced to flee from their villages and homeland and settled in mountains or valleys nearby. Most were unable to return to our original village land, which was taken up quickly by non-Indian settlers under the Homestead Act. Much of the original Indian land has never been returned to Indian care since these days.

C. UNDER THE INDIAN REORGANIZATION ACT, LANDLESS INDIANS WERE FINALLY GIVEN A SMALL RESERVATION IN 1934.

Many of our Indian families remained essentially landless,living and resettling in areas that were still undisturbed, or making their way into foothill areas undesirable to ranchers, farmers, and miners. Many

Indian people were forced by poverty to seek work on the Quartz Valley Ranches, doing such jobs as haying and woodcutting. Many Indian families resettled around Quartz Hill, but being unaware of the Homestead Act, they never applied for ownership of the land. When the National Forest Service took over the forests, other Indians were forced from their mountain homes, and many homes were, again, burned. It was not until 1934 that any land was actually declared as reservation, making a legal home for the Native American people. Under the Indian Reorganization Act Quartz Valley Reservation land of 640 acres was established.

D. THE INDIAN PEOPLE STRUGGLED TO MAINTAIN THE NATIVE CULTURE WHILE FACED WITH UNEMPLOYMENT, FORBIDDING LAWS, AND LOSS OF RESOURCES.

Although quite small, the land sufficed for our Indian people to reside and rear their families in small homes. Although it was forbidden by law, many Shasta and Upper Klamath Indians continued to practice our culture, using the areas around the reservation to gather the necessary materials for such things as basket making, drum making, food gathering and preparation, hunting, fishing, and various forms of artistry and making of ceremonial regalia. We maintained our language, naming the things around us. As is our traditional way, we were neighborly with those living around us, giving low-rent leases to local farmers trying to get started, donating land to the local church, sharing our land for recreation of all children. In turn, our neighbors helped us, too, in many ways. We worked together.

The Indian children reared in the Quartz Valley Reservation grew to identify all the mountains and valleys around them, each for their special qualities and the provisions they offered. We did our best to continue living according to the ancient laws and traditions, even though our access to many areas, and many areas and many provisions was made difficult by modern laws. We managed to continue to use the mountain tops for our religious purposes, and we did our best to continue our traditions of food gathering, hunting, and fishing. However, we watched as our beautiful mountains were logged, and our trees, first the Ponderosa Pine, the Bull Pine, Sugar Pine, Douglas Fir, then Yellow fir, Red Fir, and finally, the White Fir were all taken away. Billions of dollars were made from our forests while we could only watch. Although we tried, our local Indian people were not even employed in the logging industry. Meanwhile, most men left to fight for our country during World War II, only to return to no jobs and the loss of our resources.

Logging led to erosion of our watershed, and farming and ranching led to diversion and damming of the water. Wildlife seen as pests were hunted and massacred. Trees and brush that were seen as in the way of logging and other enterprises were sprayed and burned. Fields and forests were fenced, ending our access to ancient trails and blocking the natural migration trails of many species. Hunting and gathering in our traditional way was forbidden. Rivers were polluted by dredges for gold, and many fish suffered. We grieved these losses.

E. UNLAWFUL TERMINATION UNDER HOUSE CONCURRENT RESOLUTION 108 LED TO LOSS OF RESERVATION LAND AND MORE STRUGGLES.

When the U.S. Government came forward with the Termination Act in 1953, House Concurent Resolution

108, we were caught in the middle of something that none of us fully understood. We were told that there would be no more Bureau of Indian Affairs, and no more government help available to Indian People. We were promised land ownership and the up-grading of our property and homes to the standards of local building codes if we would give up our Indian rights. Many people believed that their Indian rights were essentially gone, anyway, if there was no government agency to back them up. Other Indian people were opposed to the termination of our Indian rights and feared the further demise of our culture, while other were encouraged by the promises given to upgrade the land if we were terminated and received title to the land As it turned out, promises of a higher standard of living for our homes swayed over half of the people on our reservation to go along with termination. Many saw no other way to gain anything in the series of losses we had suffered over the past hundred years. No one really understood exactly what it meant to give up Indian status, or to receive title to the land. However, it only took just a few hours to a few years for many of us to experience only more loss as a result of termination.

Levies were put on much of the land immediately after the deeds were issued. Most levies were placed because the Indian people had debts of outstanding medical bills. Sadly, in 1952, the U.S. Government appropriated $50,000 to $60,000 for medical use for Indian people living on the Reservation, but the Bureau of Indian Affairs in Sacramento put the monies into the B.I.A. Road Department. If those monies had been available to the people, it could have saved a lot of land for Indian people. Most levies were for several hundred to several thousand dollars--far below the actual value of the land. Also, unforseen by the Indian people was the necessity to pay taxes now that we had title to the land. Although we had taken on the status as land-owners, the difficulty we had finding employment in a very predjudiced community persisted. Within a few years, many of us had lost our land due to tax debts or other debts. Other were forced to sell because we had to find work elsewhere. Others were enticed by promises from local landowners to make deals with them, exchanging our land for things way below the market value of the land.

F. THE UNLAWFULNESS OF TERMINATION SURFACED, PROMPTING REVERSAL DECISIONS, BUT LEAVING A WAKE OF CONFUSION AND FUTHER LOSS.

On August 8, 1983, the Tillie Hardwick Class Action Suit reversed termination and put reservation land back into federal status. As a result of that decision, the Indian people began to re-organize and form a Rancheria, trying their best to bring back something to the Indian people. On April 28, 1988, President Reagan signed P.L. 100-297, which repudiates and rejects the House Concurrent Resolution 108, thus calling the termination unlawful and reversing termination of our Reservation. Therefore, the Tillie Hardwick decision was unnecessary. However, by this time, the Indian people had already begun projects as a Rancheria, but met with failures partly due to lack of federal guidance on operations where we had little experience and partly due to lack of support form local institutions. Now we are very happy for the decision of P.L. 100-297, however we are left with no reservation land as a result of the unlawful actions of the termination act.

G. THE UPPER KLAMATH RIVER AND SHASTA INDIANS NOW WISH TO HAVE RESERVATION LAND IN ORDER TO RESTORE THE FOREST, REJUVINATE THE CULTURE, MAKE HOMES, AND RESOLVE DRUG AND ALCOHOL PROBLEMS.

We are now wishing to restore our Reservation and to rejuvinate our culture. However, during the period of thirty years that we were existing without our Indian status, a generation of Indian people grew up essentially lost. Faced by a conflict of identity, without the benefits of learning their cultural roots, we find our children have turned to drugs and alcohol. Lost in a world where still the jobs are scarce for Indians, where education is still difficult in local schools due to predjudice, our children have missed the strengthening they could have received from knowing the land in the Indian way. We continue to loose several youths ever year to alcohol or drug related accidents or to suicide.

We, as elders, see that the restoration of our culture can, once again, strengthen our youth and bring meaning to their lives. But, now we are a landless people. The land we once knew as our homeland and our provider is privately owned and off limits to us. The land is changed due to logging, subsequent erosion, and water diversions. The old Quartz Valley Indian Reservation boundaries can no longer work for us, as the land is checker-boarded with privately owned land, owned by non-Indian people. For this reason, we are looking for enough land where we can once again exercise our culture through the materials the land provides. We want to regain access to the areas that were sacred to us, such as the top of Quartz Hill, where we held our sunrise services as it connects with the other sacred mountains such as Big Meadows, Duzel Rock, and Mt. Shasta. The sulpher springs, a traditional healing to restore our culture. Quartz Hill area and adjacent valleys, extending over to Duzel Rock and nearby mountains, was an Indian settlement site for generations before the creation of the Reservation in 1934. Most of this land is presently B.L.M. land, and we see that it, along with neighboring B.L.M. land, could easily be assumed by the B.I.A. and turned into reservation status. We have included maps of the area we see could suffice for us. As is our traditional way, we again expect to share with our neighbors. We see that we can restore the land, planting trees, and create recreational areas that we can make available to the general public, such as a much needed public rifle range and picnic area at blue pond. As we once again establish our culture, we hope to share our knowledge with others around us so that they, too can know and understand the benefits of our Indian way of life.

I. THIS NEED FOR LAND IS VERY URGENT FOR INDIAN PEOPLE.

We see this need for land as very urgent. Due to the disasterous conditions for our youth, we call this an emergency. One of our immediate goals is to begin drug and alcohol rehabilitation once we have the necessary land and facilities. Many of our people are living way below the poverty level, and some are homeless, waiting for an opportunity to make a change.

For thousands of years we Indian people cared for this land, keeping it pure and balanced. At this time we are not asking what is due to us, which is certainly much more. Now, we ask for a small piece of land already logged, eroded, and half stripped of its wildlife because we want to begin again to restore "the good life". Please hear our need and give this your immediate attention.

place, must be available to us. We need enough land to carry on our ceremonies without disturbing anyone, and without being disturbed. The heritage we wish to teach to our young includes hunting and fishing, and we need the land that can offer us hunting access to the deer, and fishing access for salmon, steelhead, eels, trout, and other native fish. We need to be able to gather our wild potatoes, acorns pine nuts, wild berries, bay laurel nuts, water cress, manzanita berries, several varieties of mushrooms and other foods. We want to gather our basket materials without legal conflict or fear of trespassing; this includes the bear grass, pine roots, aldar bark, moss, ferns, hazel sticks. We want to gather our herbs and medicines, such as the white oak powder, pine needles, oregon grape, mistletoe, wild teas, seventeen varieties of sage, "iknish" root, cedar, and many more. We need to have access to the wildlife for our medicine and regalia, such as the flicker, quail, jay, red hawk, eagle, grouse, woodpecker, the deer, cougar, porcupine and so forth. We also need a place for homes and a place to provide teaching indoors as well as outdoors, with facilities that can provide meeting and ceremonial space.

H. INDIAN CARE OF QUARTZ HILL AND ADJACENT LAND WHICH IS NOW BLM LAND COULD PROVIDE ACCESS TO MANY NATIVE MATERIALS FROM THE LAND WHICH ARE NECESSARY TO RESTORE THE CULTURE, WHILE CREATING RECREATIONAL AREAS AVAILABLE TO THE GENERAL PUBLIC.

We find that Quartz Hill, which we call "T" a Ikyuv T' doi-ship", which means "mountains that provides many things", overlooking the old Quartz Valley Reservation land, offers many of the things necessary

I hereby certify that the above Letter was adopted at a duly called meeting of the Quartz Valley Indian Reservation General Board Council on 2-22 1989, by a vote of 4 for, 0 against, and 1 abstain.

Anthony Jerry Sr
Anthony Jerry Sr., Acting Chairman
3-22-89
Date

Charles Thom Sr
Charles Thom Sr., Secretary/Treasure
3-22-89
Date

Elberta J. Super
Elberta Super Board Member # 2
3/22/89
Date

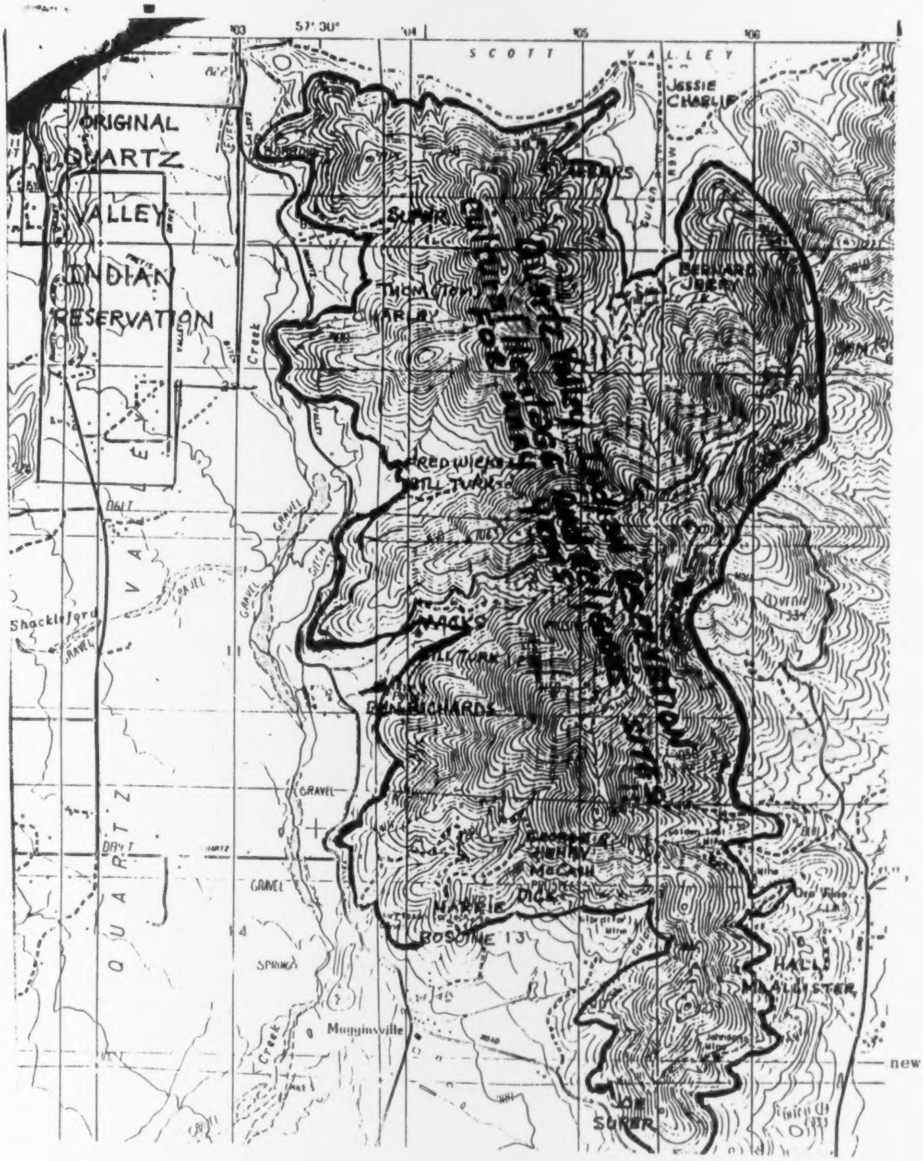
Michael Thom
Mike Thom, Alternate # 1
3/22/88
Date

Fred Case Jr
Fred Case Jr, Alternate # 2
3/22/88
Date

ATTACHMENT TO MAP:

The attached map indicates the boundaries of the old Quartz Valley Indian Reservation, and the approximate boundaries of the B.L.M. land on Quartz Hill which we have described and which we are requesting as reservation land. Also, the map indicates areas which we, as elders can identify as early Indian settlement on Quartz Hill dating back as far as 1880, and existing by 1920. We know that there were also other settlements in the area, and that many can date back centuries, however these are the ones that we can definitely identify by history and memory. We also know that Quartz Hill has been a sacred area for generations as far back as we can know. As the map shows, some of the Indian settlements are outside the boundaries of the B.L.M. land, and some of the land is now privately owned by non-Indians. Our main purpose in showing these settlements is to illustrate early Indian use of Quartz Hill, dating back far before the establishment of the Quartz Valley Indian Reservation in 1934. We identify this land as some of our aboriginal territory.

Other adjacent B.L.M. land seen as also necessary to re-establish our culture and reservation is identified on other maps attached.


103
57' 30"
104
105
106
SCOTT VALLEY
ORIGINAL QUARTZ VALLEY INDIAN RESERVATION
JESSIE CHARLIE
SUPER
THOMPSON
CHARLEY
BERNARD JERRY
FRED WICKS
BILL TURK
MACKS
BILL TURK
BEN RICHARDS
HENRY McCANN
HARRIE DICK
HALL McALLISTER
JOE SUPER
Shackleford
Mugginsville
QUARTZ VALLEY
Creek
GRAVEL
SPRINGS
new

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CORPORATE CHARTER
OF THE
QUARTZ VALLEY INDIAN COMMUNITY
CALIFORNIA

RATIFIED MARCH 12, 1940

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1940

CORPORATE CHARTER OF THE QUARTZ VALLEY INDIAN COMMUNITY, CALIFORNIA

Whereas, the Quartz Valley Indian Community of the Quartz Valley Indian Reservation constitutes a recognized Indian Tribe organized under a constitution and by-laws ratified by the Community on May 9, 1939, and approved by the Assistant Secretary of the Interior on June 15, 1939, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (48 Stat. 378); and

Whereas, more than one-third of the adult members of the Community have petitioned that a charter of incorporation be granted to such Community, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by section 17 of the said Act of June 18, 1934, do hereby issue this charter of incorporation to the Quartz Valley Indian Community to be effective from and after such time as it may be ratified by the adult Indians as hereinafter provided.

Purpose and Fact of Incorporation - 1. In order to further the economic well-being and independence of the Quartz Valley Indian Community, of the Quartz Valley Indian Reservation, the Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "Quartz Valley Indian Community."

Duration - 2. The Quartz Valley Indian Community shall, as a Federal Corporation have perpetual succession.

Membership - 3. The members of the corporation shall be all persons now or hereafter members of the Community, as provided by its duly ratified and approved constitution and by-laws.

Mangement - 4. The General Community Council established in accordance with the said constitution and by-laws, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers - 5. The Community subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and by-laws of the Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Community constitution and by-laws:

(a). To adopt, use, and alter a corporate seal.

(b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

1. No sale or mortgage may be made by the Community of any land, or interests in land, within the Quartz Valley Indian Reservation.

2. No leases, permits, (which terms shall not include land assignments to members of the Community) nor timber sale contracts covering any land or interests in land of the Community within the Quartz Valley Indian Reservation shall be made by the Community for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases, or any leases requiring substantial improvements of land may be made for longer periods when authorized by law.
3. No action shall be taken by or in behalf of the Community which in any way operates to destroy or injure the Community grazing lands or other natural resources of the Quartz Valley Indian Reservation. All leases, permits and contracts relating to the use of Community grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.
(c). To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, or from any other source, and to use such funds directly for productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: Provided, that the amount of indebtedness to which the Community may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $1,000 except with the express approval of the Secretary of the Interior.
(d). To engage in any business or undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
(e). To make and perform contracts and agreements with any person, association, or corporation, with any municipality or any county, or with the United States or the State of California: Provided, that any contract involving payment of money by the corporation in excess of $1,000 in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
(f). To pledge or assign chattels or future Community income due or to become due to the Community, subject to the approval of the Secretary of the Interior or his duly authorized representative.
(g). To deposit corporate funds in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or covered by security approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.
(h). To sue and be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and be sued shall not be deemed a consent by the said Community or by the United States to the levy of any judgement, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.

(i). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. At any time after ten years from the effective date of this Charter, the Community Council may request the termination of the supervisory powers reserved to the Secretary of the Interior under Section 5 (b) (2), 5 (c), 5 (e), 5 (f), and 5.(g), of this Charter. If the Secretary shall approve the request, he shall submit the question of termination to the Community for referendum. Such termination shall become effective upon ratification by a majority vote of the adult members of the Community in an election in which at least 30 percent of the eligible voters vote. If the Secretary of the Interior shall disapprove the request for the termination or fail to approve or disapprove it within 90 days after its receipt, the question may be submitted by the Secretary, or by the Community Council to the Community for referendum and if the terminiation is approved by two-thirds of the eligible voters living within the reservation, it shall be effective.

Corporate Property - 7. No property rights of the Quartz Valley Indian Community, shall be in any way impaired by anything contained in this Charter. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities, without such owners' consent.

Corporate Dividends - 8. The Community may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Community and may use all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations for the establishment of a reserve fund, the construction of public enterprises, the expense of Community government, the needs of charity, or other corporate purposes. No per capita distribution of any assets of the Community shall be made.

Corporate Accounts - 9. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs.

Amendments - 10. This Charter shall not be revoked or surrendered except lawfully by Act of Congress, but amendments may be proposed by resolutions of the Community Council which if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on or near the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

Ratification - 11. This Charter shall be effective from and after the date of its ratification by a mojority vote of the adult members of the Quartz Valley Indian Community living on the Quartz Valley Indian Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally cetified by the Superintendent of the Hoopa Valley Agency and the Chairman of the Quartz Valley Indian community.

Submitted by the Assistant Secretary of the Interior for ratification by the Quartz Valley Indian Community of the Quartz Valley Indian Reservation in a popular referendum.

OSCAR L. CHAPMAN,
Assistant Secretary.
[SEAL]

WASHINGTON, D.C., February 15, 1940.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984) this Charter, issued on February 15, 1940, by the Assistant Secretary of the Interior to the Indians of the Quartz Valley Indian Community living on the Quartz Valley Reservation in California, was duly submitted for ratification to the adult members of the Community living on the reservation and was on March 12, 1940, duly ratified by a vote of 10 for, 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

CLARA WICKS,
Chairman, General Community Council.

O.M. BOGGESS,
Superintendent, Hoopa Valley Agency.

UNITED STATES
DEPARTMENT OF ~~THE INTER~~IOR
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS
OF THE
QUARTZ VALLEY INDIAN COMMUNITY
CALIFORNIA

APPROVED JUNE 15, 1939

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1939

CONSTITUTION AND BY-LAWS OF THE QUARTZ VALLEY INDIAN COMMUNITY, CALIFORNIA

PREAMBLE

We, the adult Indians residing on the Indian Reservation in Quartz Valley, California, proclaimed by the Secretary of the Interior "for such Shasta and Upper Klamath Indians eligible to participate in the benefits of the Act of June 18, 1934 (48 Stat. 984), as shall be designated by the Secretary of the Interior," in order to establish a community organization, to conserve and develop our lands and resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution and By-laws for the Quartz Valley Indian Community.

ARTICLE I--TERRITORY

The jurisdiction of the Quartz Valley Indian Community shall embrace land purchased by the United States in Quartz Valley, California, heretofore proclaimed an Indian Reservation for the occupancy and use of such Shasta and Upper Klamath Indians as are eligible to participate in the benefits of the Act of June 18, 1934 (48 Stat. 984) and any additional land bought by the Federal Government for the use of the Community, or any land bought by the Community itself.

The aforesaid reservation shall hereafter be known as the Quartz Valley Indian Reservation.

ARTICLE II--MEMBERSHIP

SECTION 1. The membership of the Quartz Valley Indian Community shall consist of:

(a) All persons of one-half degree or more Indian blood who are given assignments of land on the Quartz Valley Indian Reservation, together with their children of one-half degree or more Indian blood residing with them.

(b) All children born hereafter to any member of Community.

SEC. 2. The General Community Council shall have the power to promulgate ordinances, subject to the review of the Secretary of the Interior, covering future membership, loss of membership, and the adoption of new members when the council shall find that there is sufficient available land, except that no person of less that 1/4 degree Indian blood may be accepted by means of adoption.

(c) The General Community Council shall have the power, subject to the approval of the Secretary of the Interior, to adopt into its membership those persons whose names were not found on the Roll of

California Indians, but who are persons of one-half degree or more Indian blood, and recognized by the General Community Council as entitled to membership in their group.

ARTICLE III--GOVERNING BODY

SECTION 1. The governing body of the Quartz Valley Indian Community shall be the General Community Council which shall be composed of all qualified members of the Community.

SEC. 2. Any enrolled member of the Community who is twenty-one years of age or over shall be entitled to vote.

SEC. 3. The General Community Council shall elect from its members by secret ballot, a Chairman; a Vice-Chairman; and a Secretary-Treasurer; and such other officers and committees as may be deemed necessary.

SEC. 4. The General Community Council shall meet during each alternate month on a day selected by the Community Council.

SEC. 5. Within thirty days after the ratification and approval of this Constitution and By-laws, a General Community Council meeting shall be called and supervised by the present Business Committee in cooperation with the Superintendent of the Hoopa Valley Agency for the purpose of electing the officers named herein for the General Community Council and to transact such other business as may be necessary. Officers elected at this meeting shall serve until June 30, 1939.

SEC. 6. Immediately after organization of the General Community Council as provided for in Section 5, the Business Committee shall cease to exist, and all the powers and duties thereof shall be assumed henceforth by the General Community Council.

SEC. 7. After the first election of the General Community Council and annual election shall be held at the June meeting.

SEC. 8. The Chairman of the Community Council, or a majority of the qualified voters may, by written notice posted at least ten days in advance of the meeting, call a special meeting of the General Community Council.

SEC. 9. One-third of the resident qualified voters of the Community shall constitute a quorum at any regular or special meeting of the General Community Council.

ARTICLE IV--REFERENDUM

Upon a petition of at least a majority of the resident qualified voters of the Quartz Valley Indian Community, any enacted or proposed ordinance, resolution or other regulative act of the General Community Council shall be submitted to a referendum of the resident qualified voters.

Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Community Council of his action. If the Superintendent refuses to approve any ordinance or resolution submitted to him within 10 days after its enactment he shall advise the Community of his reasons. The Community Council may by a majority vote refer the ordinance or resolution to the Secretary of the Interior who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or

ARTICLE VI--AMENDMENTS

Amendments to this Constitution and By-laws may be proposed by a majority vote of the Quartz Valley Community Council and may be ratified and approved in the same manner as this Constitution

BY-LAWS OF THE QUARTZ VALLEY INDIAN COMMUNITY

ARTICLE I--DUTIES OF OFFICERS

SECTION 1. The Chairman shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. The Secretary-Treasurer of the Council shall conduct all the Community correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Council.

He shall accept, receive, receipt for, preserve and safeguard all Community funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody at each regular meeting of the General Community Council. An audit of accounts shall be made once a year and at such times as the Community Council or Commissioner may require.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

ARTICLE V--POWERS OF THE GENERAL COMMUNITY COUNCIL

SECTION 1. The General Community Council of the Quartz Valley Indian Community shall have the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

(c) To veto any sale, disposition, lease, or encumbrance of community lands, interests in lands, or other assets of the Community;

(d) To confer with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Quartz Valley Indian Community, prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Quartz Valley Indian Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, providing for the regulation of hunting and fishing upon Community lands; for licensing of non-members comming upon Community lands for the purposes of hunting, fishing, trading, or other business; for the exclusion from Community lands of person not legally entitled to reside therin; for the maintenance of law and order within the Community and for cooperation with proper agencies for law enforcement.

(g) To charter subordinate organizations for economic purposes and deligate to such organizations, or to subordinate boards or officials of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this Constitution and By-laws, regulating the procedure of the Council itself and of other Community agencies, officials, or organizations of the Quartz Valley Indian Community.

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, providing for the manner of making, holding and revoking assignments of tribal land or interests therein.

SEC. 2. The General Community Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior or by any other authorized official or agency of the State or Federal Government; and may exercise such rights and powers, as may be delegated to it by the individual members of the Community.

SEC. 3. Manner of review.--Any ordinance or resolution which by the terms of this Constitution is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Hoopa Valley Indian Agency who shall, within ten days thereafter, approve or disapprove the same. If the Superintendent approves any ordinance or resolution it shall thereupon become effective, but the

He shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs, when sufficient funds have accumulated in the Community treasury in the opinion of the Community Council or of the Commissioner of Indian Affairs.

SEC. 4. The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report to the Council from time to time as required, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

ARTICLE II--ADOPTION

This Constitution and By-laws, when adopted by a majority vote of the adult Indians residing on the Quartz Valley Indian Reservation, as set forth in Article I of this Constitution, voting at a special per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 29, 1939 by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Shasta and Upper Klamath Indians residing on the Indian Reservation in Quartz Valley, California, and was on May 9, 1939, duly ratified by a vote of 7 for and 0 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

HARRY BURCELL,
Chairman of Election Board.
JETTY TOM,
Secretary of Election Board.

O.M. BOGGESS
Superintendent, Hoopa Valley Agency.

I Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Quartz Valley Indian Community of California.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws, are hereby declared inapplicable to the Quartz Valley Indian Community.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended.
F. H. DAIKER,
Assistant to the Commissioner of Indian Affairs.
OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
[SEAL]

WASHINGTON, D.C., June 15, 1939.

United States Department of the Interior
TAKE PRIDE IN AMERICA
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:
Tribal Government Services - TR

NOV 3 1988

Mr. Lester Alpert
Coordinator, Quartz Valley Rancheria
P.O. Box 25
Fort Jones, California 96032

Dear Mr. Alpert:

This will respond to your recent telephone inquiry regarding the status of the Constitution and Bylaws of the Quartz Valley Indian Community adopted under the Indian Reorganization Act on May 9, 1939, and approved June 15, 1939, by the Assistant Secretary of the Interior.

As you know, Section 11 of the California Rancheria Act of August 18, 1958, as amended, provided for the revocation of the constitution and charter of any rancheria when a distribution plan was approved. In restoring the 17 rancherias to federal status, however, the court in Tillie Hardwick v. United States relieved them from the application of Section 11 of the California Rancheria Act. Thus, the statutory revocation of the constitution and charter is of no force and effect. The Constitution and Bylaws of the Quartz Valley Rancheria approved June 15, 1939, is still operative. If the rancheria were to hold a valid election under the constitutional provisions, the Bureau would recognize the results.

Should the rancheria wish to update or amend its constitution, technical assistance is available upon request from the Bureau. If we can be of further assistance, please let us know.

Sincerely,

Chief, Division of Tribal
Government Services

ITED STATES GOVERNMENT

memorandum

SUPT. [illegible]
ADMIN. OFF. [illegible]
ROUTE [illegible]
[illegible]
Send [illegible] to NC Tribes

DATE: SEP 14 1988

REPLY TO ATTN OF: Area Director, Sacramento Area Office

SUBJECT: Repudiation of House Concurrent Resolution 108 of the 83rd Congress by the 100th Congress

TO: Superintendent, Central California Agency

On August 1, 1953, the House Concurrent Resolution 108 was adopted, in short, this resolution provided for the "Termination" of Federal supervision and control over designated Indian tribes.

On April 28, 1988, President Reagan, signed P. L. 100-297 which in part states: "The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of Federal relations with any Indian Nation".

Please pass this information to the Rancheria's, Band's and Reservation's in your area with a copy of the attachment.

Attachment

RECEIVED
SEP 26 1988
NORTHERN CALIF. AGENCY

cc: Northern California Agency

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

GPO : 1987 O - 173-680

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

LB 8-1

IN REPLY REFER TO:

Tribal Government Services - TR

JUN 14 1988.

received
JUL 27 1988

Memorandum

To: All Area Directors

From: Deputy to the Assistant Secretary - Indian Affairs
(Tribal Services)

Subject: Repudiation of House Concurrent Resolution 108 of the 83rd Congress by the 100th Congress

There has been much concern among the Indian people of the United States since the passage of House Concurrent Resolution 108 of the 83rd Congress. This resolution stated the Policy of Congress to terminate Indian tribes. On April 28, 1988, President Reagan signed Public Law 100-297 (102 Stat. 130), which expressly repudiates and rejects House Concurrent Resolution 108.

By way of this memorandum, we are attempting to provide you with a short history of the attempts by Congress and the Administration to reject House Concurrent Resolution 108.

On August 1, 1953, House Concurrent Resolution 108 was adopted by the 83rd Congress and stated:

> Whereas it is the Policy of Congress, as rapidly as possible, to make the Indian within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and
>
> Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now therefore, be it Resolved by the House of Representatives (the Senate Concurring), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee

> Tribe of Wisconsin, the Potowatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

The President has no role in the adoption of a Concurrent Resolution by the Congress. A Concurrent Resolution is acted upon only by the two Houses of Congress and is not a law because it is not submitted to the President as provided in the Constitution. In the case of H. Con. Res. 108 of the 83rd Congress, it was a statement of policy by the 83rd Congress only and was not binding on future Congresses. Therefore, technically it does not need to be repealed. However, the continuing interest among Indian people in a repeal or express repudiation combined with the continuing lack of such action apparently adds to the belief that H. Con. Res. 108 (83rd Congress) represents a continuing threat.

President Nixon's July 8, 1970 message on Indian policy included a detailed discussion of why the termination was wrong and included the following:

> Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress. This resolution would explicitly affirm the integrity and right to continued existence of all Indian tribes and Alaska native governments, recognizing that cultural pluralism is a source of national strength. It would assure these groups that the United States Government would continue to carry out its treaty and trusteeship obligations to them as long as the groups themselves believed that such a policy was necessary or desirable. It would guarantee that whatever Indian group decided to assume control or responsibility for government service programs, they could do so and still receive adequate Federal financial support. In short, such a resolution would reaffirm for the Legislative branch and I hereby affirm for the Executive Branch--that the historic relationship between the Federal government and the Indian communities cannot be abridged without the consent of the Indians.

A number of Resolutions have been introduced to repeal or repudiate H. Con. Res. 108 (83rd Congress) including the following:

91st Congress
H. Con. Res. 672
H. Con. Res. 680
H. Con. Res. 688
H. Res. 1097
H. Res. 1108
H. Res. 1109
H. Res. 1112

92nd Congress
S. Con. Res. 26 (Passed Senate 12/11/71; no House action)
H. Con. Res. 102
H. Con. Res. 181
H. Res. 400
H. Res. 508

93rd Congress
S. Con. Res. 37 (Passed Senate 5/29/74; No House action)
S. Con. Res. 33
S. Con. Res. 48
H. Con. Res. 28
H. Con. Res. 115
H. Con. Res. 158

In President Reagan's Indian Policy Statement of January 24, 1983, his recommendation included the following statement:

> In addition, this Administration calls upon Congress to replace House Concurrent Resolution 108 of the 83rd Congress, the resolution which established the now discredited policy of terminating the federal-tribal relationship. Congress has implicitly rejected the termination policy by enacting the Indian Self-Determination and Education Assistance Act of 1975. However, because the termination policy declared in H. Con. Res. 108 has not been expressly and formally repudiated by a concurrent resolution of Congress, it continues to create among the Indian people an apprehension that the United States may not in the future honor the unique relationship between the Indian people and the federal government. A lingering threat of termination has no place in this Administration's policy of self-government for Indian tribes, and I ask Congress to again express its support of self-government.

Although the Congress did not expressly repeal or repudiate H. Con. Res. 108, it enacted laws that clearly state or indicate a policy contrary to it. For example, President Reagan's Statement mentioned that the Indian Self-Determination and Education Assistance Act which became law when approved by the President on January 4, 1975, section 3(b) (25 U.S.C. 450a(b)) of which states:

> The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people * * *.

In addition, beginning with the "Menominee Restoration Act" which became law when the President approved it on December 22, 1973, the Congress has enacted laws restoring the status of many of the "terminated" tribes that have requested restoration. Only a few small "terminated" tribes have not been restored. The most recent restoration law was the "Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act" approved by President Reagan on August 18, 1987.

The Senate Select Committee on Indian Affairs scheduled a hearing for December 2, 1987, on S. Con. Res. 76, "To acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to reaffirm the continuing government to government relationship between Indian tribes and the United States established in the Constitution." S. Con. Res. 76 stated a policy contrary to H. Con. Res. 108 (83rd Congress) but did not expressly refer to it.

On April 28, 1988, President Reagan signed the "Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988", Public Law 100-297 (102 Stat. 130), which specifically repudiates House Concurrent Resolution 108 of the 83rd Congress. Section 5203(f), Termination, states:

> The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

We would appreciate your help in notifying the tribes that Congress has taken steps to reject House Concurrent Resolution 108.

Acting

RECEIVED
MAR 2 1 1989
Ans'd............

LAW OFFICES OF
CALIFORNIA INDIAN LEGAL SERVICES
P. O. Box 488
200 West Henry Street
Ukiah, California 95482
707-462-3825

LITIGATION DIRECTOR
Stephen V. Quesenberry

ATTORNEYS
Lester J. Marston
David J. Rapport
Dan Hoehl

MAIN OFFICE
1736 FRANKLIN STREET
OAKLAND, CALIFORNIA
415-835-0284

March 16, 1989

In Reply Refer To:
79-30

Lester Alford
Quartz Valley Tribal Office
P.O. Box 25
Ft. Jones, California 96032

RE: Hardwick v. United States

Dear Mr. Alford:

Enclosed please find Order Granting Plaintiffs' Motion for Partial Summary Judgment in the above-entitled action. Judge Williams has granted our motion to restore the entire original exterior boundaries of the Quartz Valley Rancheria as Indian country. You can read the enclosed order to understand the basis for his decision.

The bottom line is that we have obtained all of the relief that we had sought in this lawsuit. With Judge Williams' order CILS has completed its representation of the Quartz Valley Rancheria insofar as its restoration is concerned.

If you have any questions about the Judge's order or the implementation of the judgment against Siskiyou County, please feel free to call me.

Very truly yours,

DAVID J. RAPPORT
Attorney at Law

DJR/le
Enclosure
cc: Steve Quesenberry (w/Encls.)

RECEIVED
MAR 16 1989
CALIF. INDIAN LEGAL SERVICES

FILED
MAR 1 1 1989
WILLIAM L. WHITTAKER
Clerk, U.S. District Court
Northern District of California
SAN JOSE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TILLIE HARDWICK, et al.,
Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,
Defendants.

NO. C-79-1710-SW

ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs bring this action for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 1331, 1343 and 1343(4) seeking a restoration of the Indian Country status of the Quartz Valley Rancheria. Having considered all the pleadings and exhibits filed in this matter, this court makes the following rulings.

BACKGROUND

Until Congress enacted the California Rancheria Act, Pub. L. 85-671, 72 Stat. 619, as amended by Pub. L. 88-419, 78 Stat. 390 (hereinafter "the Rancheria Act"), the Quartz Valley Rancheria was "Indian Country" as defined by 18 U.S.C.

§ 1151. The Rancheria lands were held in federal trust for the benefit of tribal members. Although Indian Country is subject to the jurisdiction of the United States, such status generally modifies the application of federal criminal laws and state and local civil regulatory laws in certain respects. See e.g. DeCoteau v. District Court, 420 U.S. 425, n.2 (1975).

In carrying out the terms of the Act, however, the United States failed to make certain improvements on the land before distributing Rancheria assets to the Indian grantees. Courts have held that such improvements were conditions precedent to termination of Indian Country status under the Rancheria Act. Duncan v. Andrus, 517 F. Supp. 1, 3 (N.D. Cal. 1977); Smith v. United States, 515 F. Supp. 56 (N.D. Cal. 1978).

DISCUSSION

In a Stipulation for Entry of Judgment filed November 12, 1987, the parties have stipulated that the Indian Country status of the Quartz Valley Rancheria was terminated in contravention of the Rancheria Act. Subsequently, a number of non-Indian good faith purchasers bought these parcels in fee simple. Thus, the only remaining issue for this court to resolve is whether to restore the status of the Quartz Valley Rancheria as Indian Country to its original boundaries.

Pursuant to this Stipulation, the parties have also agreed that this court "has authority as a court of equity to remedy the effects of the premature and unlawful termination of the Quartz Valley Rancheria and the plaintiffs to the extent it can do so without adversely affecting the interests of third party purchasers for value of Rancheria parcels." Case law does provide this court with authority to fashion an appropriate remedy. See Table Bluff Band of Indians v. Andrus, 532 F. Supp. 255, 260 (N.D. Cal. 1981). This requires a consideration of the needs of the county of Siskiyou to regulate land development consistent with the physical capacity of the land versus the tribal community's efforts to maintain their cultural heritage.

For example, state and county regulatory laws have restricted the tribal community's fishing methods and the times of year when the community may fish. Other cultural activities in which the State restricts the community's efforts include the gathering of willow and pine root and other native plants and substances. Also, the tribal community would transfer parcels into federal trust in lot sizes smaller than the minimum parcel size permitted under County zoning requirements. In their Reply, plaintiffs have stated that any cultural activities in which the tribal community may engage would be confined to lands held in federal trust for tribal members.

For its part, the County has produced only one unsworn affidavit testifying to its perceived goals in maintaining land use regulation over the Rancheria. The affidavit of the County's Planning Director, Mr. Robert Sellman, indicates concern for the ability of the County to deal with road use and sanitation in connection with federal trust land. However, the County ordinarily would have no authority over federal trust lands, and concomitantly, no responsibility to provide adequate transportation and sanitation facilities for such lands.

This court hereby declares that the original boundaries of the Quartz Valley Rancheria as described on p. 12 of Exhibit A to the Stipulation for Entry of Judgment filed August 2, 1983, are restored for jurisdicitonal purposes as "Indian Country" within the meaning of 18 U.S.C. § 1152. In accordance with the holding in Table Bluff, this court further rules that all non-Indian good faith purchasers for value in the Quartz Valley Rancheria are subject to county and state taxes and regulation as any other non-Indian county residents. Thus, "rancheria land designated as Indian Country will not be subject to state or local taxation or other civil regulation only so long as such lands remain in Indian ownership." Table Bluff, 532 F. Supp. at 262.

This court finds that this remedy reconciles the seemingly conflicting goals of the parties. In fact, defendant Siskiyou County in its supplemented opposition has urged this court to adopt the rationale of Table Bluff. This court furthermore extends the Table Bluff holding to any lands within the Rancheria which tribal members may subsequently acquire and transfer to the United States in trust, as this court ruled in a similar case, Smith v. United States, Judgment filed August 1, 1984. The only possible limitations on the County's power to regulate non-Indian land use within Indian Country would be infringement on the inherent tribal sovereignty and federal preemption. See Williams v. Lee, 358 U.S. 217 (1959); New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983).

This court further finds that notice was duly given to affected class members as ordered by this court.

Accordingly, plaintiffs' motion for partial summary judgment is hereby GRANTED.

IT IS SO ORDERED.

DATED: 13 March 1985

Spencer Williams
UNITED STATES DISTRICT JUDGE

QUARTZ VALLEY
INDIAN RESERVATION

Tribal Office
P.O. Box 737, Etna, CA 96027
Telephone 916 467-3307

January 26, 1989

State of California
Employment Development Department
P.O. Box 942880
Sacramento, CA 94280-0001

RE: Quartz Valley Rancheria
Employer I.D. No. 68-0086677
State I.D. No. 350-8644-6, CA

Dear Employment Development Department:

Attached are the Quarterly Reports for the second, third, and fourth quarters of 1988 for Quartz Valley Rancheria. Although the Quartz Valley Indian Reservation is under a separate constitution and bylaws from the Quartz Valley Rancheria, the Reservation is in the process of helping to resolve the 1987 tax problem of the Rancheria.

Please see the attached letter to the Internal Revenue Service for explaination of circumstances around the payments on these attached reports. Briefly, the Quartz Valley Indian Reservation is asking the I.R.S. to repay to the State of California the amount of $718.27, which was alloted to the Rancheria specifically for 1988 California taxes under the U.S. Government 93-638 Grant for 1988. The I.R.S. seized this sum from the Rancheria in June, 1988, along with other federal tax funds. As the letter to the I.R.S. explains, this sum of $718.27 was the only money allotted to Quartz Valley Reservation for payment of the 1988 state taxes for the last three quarters of 1988. Therefore, this money must be turned over to the State of California. Please note that the total sum from Quartz Valley Rancheria to the State of California for 1988, as computed on the enclosed DE 3 forms, is $718.27.

Sincerely,

Anthony Jerry Sr.

Anthony Jerry, Sr.
Acting Chairman

cc; Internal Revenue Service
Bureau of Indian Affairs

QUARTZ VALLEY
INDIAN RESERVATION

Tribal Office
P.O. Box 737, Etna, CA 96027
Telephone 916 467-3307

January 26, 1989

Department of the Treasury
Internal Revenue Service
Ogden, UT 84201

RE: Quartz Valley Rancheria
Employer I.D. No. 68-0086677
State I.D. No. 350-8644-6, CA

Dear Treasurer:

Attached are the employer's Quarterly Tax Returns (form 941) for the second, third, and fourth quarters of 1988 and 1988 FUTA (form 940) for the Quartz Valley Rancheria. Although the Quartz Valley Indian Reservation is under a separate constitution and bylaws from the Rancheria, the Reservation is in the process of helping to resolve the 1987 tax problem of the Rancheria.

Since the Quartz Valley Rancheria was operating in 1988 solely by the U.S. Government Grant 93-638 funds, the budget was firmly determined, and all monies were allotted for specific objectives and purposes. In May, 1988, Quartz Valley Rancheria had begun a monthly payment program with the Internal Revenue Service to pay the 1987 taxes. The Rancheria began holding fund-raisers to raise the money. Nonetheless, on June 20, 1988, $4,230.29 was levied and seized from the Rancheria by the I.R.S. Most of this sum of $4,230.29 was the money allotted to pay the Rancheria's federal and state taxes for the second and third quarters of 1988. No other funds were made available to pay those taxes on the 1988 Grant. There was no authorization from the U.S. Government to use any of the 1988 Grant to pay the Rancheria's 1987 tax debt. As a result of the seizure of funds, much of the operations of Quartz Valley Rancheria folded, and they were unable to carry on to raise revenue for their debts.

The Quartz Valley Rancheria received no directive from the U.S. Government of how the $4,230.29 seized was applied. The Quartz Valley Reservation Council does not want to see the Rancheria's 1987 tax debt compounded into another debt in 1988. Therefore, by a vote and resolution of the Tribal Council, Quartz Valley Indian Reservation has decided that this money seized must be determined to be payment on taxes for 1988 for Quartz Valley Rancheria. Therefore, the attached tax reports indicate prepayment. A total of $718.27 is owed by the I.R.S. to the State of California (please see attached verification). A total of $502.68 is left over after all 1988 taxes are paid. A refund is requested.

Sincerely,

Anthony Jerry Sr.

Anthony Jerry, Sr.
Acting Chairman

cc: State of CA, E.D.D.
Bureau of Indian Affairs

Senator Inouye, on behalf of the Yurok Transition Team, we welcome you to California and hope that these oversight hearings may begin to address the unique situation of California Indians and rectify the frequently dishonorable role played by the Federal Government in Indian Affairs.

As you are aware, Public Law 100-580 (signed into law 10/31/88) which your Committee reported, provided for the creation of the Yurok Transition Team. Each member of the Team was appointed by the Secretary of the Interior on December 2, 1988. Although as individuals, we represent views ranging from opposition to P.L. 100-580 to support for the over-all concepts of the law; as the Transition Team we are charged with the responsibility of providing objective and responsible information and counseling to the potential members of the Yurok Tribe concerning the various choices, waivers, and rights under the Settlement Act. We are also charged with the responsibility of studying and investigating programs, resources, facilities, and economic development for the Yurok Tribe.

The purpose of our testimony today is to make the Committee aware of problems that we have identified with the Settlement Act and federal implementation of the Act, and to seek your assistance where possible to address these problems.

We are not seeking in this forum to open up all the issues associated with the decades of disputes among Yuroks, Hoopas, and others over the rights and assets of what is now the former Hoopa Valley Indian Reservation -- the Square and the Extension. We do need to point out, however, that the issue of waivers, which is extremely complex, is very controversial in the Yurok Community. Because the statutory language is very specific relative to individual waivers and more general with respect to tribal waivers there is a misperception that the Settlement Act waives all and any rights that the Yurok Tribe may have beyond the Settlement Act. Anything that the Committee can do to assist the Team in clarifying this issue would be very helpful.

Although the Yurok Tribe has been and is currently a federally recognized Indian Tribe, it is not, as you are aware, a formally organized Tribe. In passing it should be noted that being unorganized was for many tribes the norm in northern California. Only where there were assets to lease away to non-Indian interests did the Bureau of Indian Affairs encourage formal tribal organization. Most Yurok timber assets were lost early in this century through forced fee patents. There is also considerable evidence that the BIA discouraged the Yurok Tribe from formally organizing.

The Transition Team is not the Yurok Tribal Government. However, because we exist, many issues and problems, are brought to our attention by Yurok people. Most of these issues, which we are relatively powerless to address, significantly effect the current and future resources, facilities, and economic viability of the Yurok Tribe. As we will detail below the Bureau of Indian Affairs has not been a particularly helpful trustee in assisting us in protecting Yurok assets.

Before discussing in detail the key problems facing the Yuroks, with particular emphasis on P.L. 100-580, it is necessary to state the obvious. P.L 100-580 is an extremely controversial and unpopular law among some Yuroks. It is after all a Hoopa generated, a Hoopa lobbied, and a Hoopa celebrated law. Although parts of the community see the Settlement Act as an opportunity to finally organize the Yurok Tribe, some in the Yurok community view the Settlement Act as an unfair if not unconstitutional taking of Yurok assets.

Because the Yuroks are not organized, no one was able to represent Yurok tribal interests before Congress. Various lawyers, and plaintiff groups, associated with the Jessie Short and the Puzz decisions opposed the Hoopa-Yurok Settlement Act. Their opposition was often based on their view of their individual rights to per capita payments, or their rights as "Indians of the Reservation". Whatever legitimacy those arguments may or may not have, their exclusive focus on the rights of individual Indians outside of the tribal context was viewed as anti-tribal and as such at odds with the Federal Indian policy of Government to Government relations with Indian tribes. A number of individual Yuroks, including some members of the Transition Team, supported organizing the Yurok Tribe and moving beyond the decades of litigation.

What was absent, by definition, from the legislative process, was a pro-tribal advocacy of the interests of the Yurok Tribe. The full range of solutions to cure the anti-tribal effects of Puzz were not sufficiently explored. For example, options such as consolidated reservations, reservations with separate tribal councils and a joint reservation council (such as Wind River, Wyoming), or separate reservations with a joint tenancy for resources, were (according to the hearing records) not fully debated or considered.

Another distinct element that is missing from the Settlement Act history is an evaluation of the assets of the combined reservation and a projected evaluation of the assets of the separated reservations. There are a lot of assertions flying about concerning the long term value of the fishery (Yurok) versus the long term value of the timber (Hoopa), with no factual record. The only thing completely clear about assets is that the Hoopa reservation contains approximately eighty-five thousand acres of trust land, whereas the Yurok reservation will contain a scant thirty-five hundred acres of trust land.

In addition to the substantive issues underlying the Settlement legislation, there are several structure problems. A critical structural difficulty with the Settlement Act is that the legislation links the organization of the Yurok Tribe to the division of assets of the previously combined/consolidated reservation(s). Unfortunately the merits of organizing the Yurok Tribe are hard for the community to separate from the appropriateness or the economic fairness or unfairness of the division into two distinct reservations.

Other structural problems include requiring Rancherias to vote on joining or not joining the Yurok Tribe so quickly that they could not realistically evaluate what the decision would mean. As far as we are aware no analysis was performed of what fishing rights attach to any Rancheria separate from the Yurok reservation. Combining the uncertainty of such a decision with built in economic bonuses for not joining the Yurok Tribe, it is not surprising that all eligible Rancherias choose not to join the Yurok Tribe. Providing additional options in this area would be useful. Perhaps Rancheria members (and/or members of other tribes who may be eligible to be Yurok tribal members) could be provided with an alternative, such as, a reduced payment combined with the deferral of the membership decision until the Yurok Tribe is actually organized.

Generally speaking all the time frames in the Act operate too quickly, and it seems clear that the Bureau of Indian Affairs will not perform its timeline responsibilities adequately. It is approximately three weeks since the April 10th statutory deadline for applying for the Settlement roll has passed. We know that 9200 applications were sent out by the Bureau to potential Yurok Tribal members, and that over 8000 applications were received back by the BIA. What we do not know is who is on the roll. We do not know how many of applications are new applications, valid applications, or are applications from people who are already automatically listed because they are Short plaintiffs. The Bureau informs the Team that without more funds and staff it can only process some thirty applications a working day. As you are aware, the final settlement roll is to be published on September 25, 1989 and that every person on the Settlement role must make a very critical decision by March 25, 1990 to either join the Yurok

Tribe or essentially receive a buy-out payment. The Transition Team can not fully do its job of counseling and informing all potential Yurok Tribal members of their rights and options unless we know who are the potential members.

Our active participation in the process of establishing the Settlement Roll has identified several distinct problems. The Settlement Act essentially utilizes the standards that the federal courts established. There is, however, a question as to whether the statute adopts the full eligibility standards used by the Short court; elements D and E do not appear in the statute even though the Committee Report asserts that all Short eligible plaintiffs are automatically listed on the Settlement Roll (see page 21 of the Senate Report). While claims case standards may be appropriate in their context, they allow the inequitable result of some quarter-blood Yuroks being left off the Roll because they are not descendants of the Allotment Roll. This anomaly as well as the scope of the eligibility standards, should be rectified by a technical amendment that provides for inclusion of anyone who is a quarter-blood or more Yurok on the Settlement roll; timeframes for application and establishment of the Roll will also require adjustment.

As noted above a great number of applications for the Settlement Roll have been received by the Bureau. It is possible that these numbers may indicate a far larger Settlement Roll than contemplated by the Congress in structuring the various payments to made from the Settlement Fund. It is our understanding, the Yurok Tribe as the residual beneficiary of the Settlement Fund, was to receive a significant capital account (approximately 20 million dollars) from the Fund. If the settlement roll ends up containing many more persons than originally contemplated, and many Rancherias members and others opt for the higher buyout amounts, the Yurok Tribe could be left with very little. This is matter that will have to be watched closely and may require additional authorizations and appropriations in the future.

Perhaps, the most critical issue with which the Committee can provide immediate help are the promises made in the Settlement Act that require additional congressional action to realize. Justice Frankfurter has been quoted innumerable times for the proposition -- and one more time still is not redundant "Great nations like great men should keep their word." Whatever credibility the Settlement Act may have, is lost if the United States does not appropriate the ten million dollars for the Settlement fund and the at least five million for Yurok land purchases. We are enclosing our letters to the Appropriations Committees on these issues for the record of your hearing. You are no doubt aware that the Administration has requested no funding for the settlement legislation. We have been working with your staff in the hopes of persuading the Appropriations Committees to cure this defect. We sincerely request that you use your good offices as member of the Senate Committee on Appropriations to obtain the funding. The ten million dollar payment to the Settlement fund is required in FY 90 since payments from the fund begin in FY 90.

As noted in our appropriations letters, there are several immediate opportunities available for the purchase of land that would be extremely beneficial to the Yurok Tribe. An appropriation of approximately 1 million dollars for land acquisition is needed now; possibly in the FY 89 supplemental appropriations. The desired parcels include fish camps at the mouth of the Klamath River that are currently for sale, and state land soon to be surplus and for sale that has excellent potential for use as a dump and clean-up site. As you are aware dumpsites on the Klamath River pose a significant environmental problem that requires immediate attention. Funds could set aside for immediate purchase by the Secretary of the Interior in consultation with the Yurok Transition Team in the Appropriation Act, or the Settlement Act could be amended to allow the Transition to acquire land by gift, or purchase to be held in trust for the Yurok Tribe.

You will note that our letters to the Appropriations Committees makes several other requests relative to the Bureau of Indian Affairs: allocating funding for natural run fisheries; surveying the Yurok reservation; and requiring the Bureau to make payments under the Settlement Act in a timely fashion. What these recommendations reflect is a larger frustration with the BIA's game playing and essentially colonial attitude towards tribes generally and the Yuroks particularly. The BIA is ignoring directions of the Committee contained in the Committee Report:

> ...the Department of the Interior does not currently have adequate land records and surveys of the "Addition". The

> Committee, therefore expects that the Department will conduct all necessary surveys... .

There has been no action and there significant questions concerning the differences between the Haughn survey and the Bissel-Smith survey as to the actual boundaries of the Yurok reservation. The Bureau has similarly ignored the Committee's recommendation to study the need for roads (specifically U.S. 101 connecting to California Highway 96) and projected costs within the Yurok Reservation.

We noted earlier in our testimony the Bureau's pace of reviewing thirty applications a working day -- a pace which will put them a minimum of eight months behind schedule. There are series of similar unfortunate stories.

In conjunction with Settlement roll, the Transition Team believes it should assist potential tribal members in submitting proper information in the appeals process that will begin shortly when applicants are rejected by the BIA for placement on the Settlement Roll. We have requested information from the BIA (a master list of allotments, a list of applicants and rejections, reasons for rejections, a master list of qualified Short plaintiffs, etc.), but because of the BIA's own difficulty in processing data we have not yet received all the needed information to perform our responsibilities.

In another matter, it was brought to our attention that several timber companies within Yurok territory are planning to use a herbicidal spray that would damage or destroy subsistence food sources, and medicinal plants used by Yuroks continuously throughout this century. We have aggressively brought this matter to the attention of the county agencies that have issued permits and the companies. The BIA 's sole assistance in this area was a relatively weak letter supporting our views.

The BIA has been ineffective with other federal agencies in protecting Yurok assets. The Secretary of the Interior under a 1981 Secretarial Issues Document allows the Bureau of Reclamation to reduce the water flow of the Trinity River in dry or critically dry years. We are advised that that the Fish & Wildlife recommends a higher Trinity River flow than is being provided in order to protect the critical fish habitat. In effect, the reduced flow is negating the sixty million dollars that is being spent under the Trinity River Basin Fish and Wildlife Restoration Act. As you are aware the fishery is the single most critical economic resource of the Yuroks. In a related matter, there is a critical need for a safety patrol on the Klamath River. The fishery is essentially a night fishery and dangerous one. Nets,boats, and people can and have been swept out to sea. The BIA has not requested any funding for this function.

The Department of Agriculture, USDA, has been uncooperative with the Transition Team efforts to service eligible Yuroks for the Food Distribution Program. The BIA can not even convince its sister agency that the BIA can service the Yurok Tribe. We have asked your staff's assistance in this matter.

Despite clear language in the Senate committee's report that the two-story redwood building maintained by the Forest Service that is to be transferred to the Yurok Tribe, is to be provided in good condition, with necessary repairs, neither the BIA or the Forest Service is willing to make repairs. The BIA has asserted that the Senate Report language is not a requirement. In its current condition the building is a fire hazard that several years ago required an estimated 1.2 million dollars in repairs.

There are several other situations where the ineffectiveness of the BIA and the lack of power of the Transition Team have resulted in a lack of assistance to the Yurok people. These situations concern our status under the Indian Child Welfare Act, and the inability to contract under the Indian Education and Self Determination Act, as amended.

While we understand the reluctance of Congress initially to provide these powers to the Transition Team, we strongly suggest that given the BIA's record, such reluctance should be reconsidered.

The Transition Team is being looked to to protect tribal assets, particularly tribal people, and until an elected council is in place, we are handicapped by a lack of authority in our efforts.

To summarize, we have recommended:

1. Support FY 90 appropriations of ten million federal contribution to the Hoopa-Yurok Settlement Fund.
2. Support at least five million dollar FY 90 appropriation for Yurok land acquisition.

3. Support one million for immediate land acquisition.

4. Support funding for Klamath River Fishery

5. Direct BIA to survey Yurok reservation

6. Direct BIA to make settlement payments in a timely fashion

7. Direct BIA to conduct Road survey

8. Clarify Settlement Roll criteria

9. Provide options relative to Yurok Tribal membership

10. Either force BIA to protect Yurok rights or provide Yurok Transition team with authority to act on behalf of the Yurok Tribe with respect to the protection of tribal assets; contracting; and status for federal programs.

Encls.

YUROK TRANSITION TEAM

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March 30, 1989

Honorable Sidney R. Yates, Chairman
Interior and Related Agencies Subcommittee
Committee on Appropriations
U.S. House of Representatives
B-308 Rayburn House Office Bldg.
Washington, D.C. 20515

Attention: Ms. Kathy Johnson

Dear Chairman Yates;

This is the first year that any entity advocating for the interests of the Yurok Tribe is participating in the Appropriations process. This letter constitutes our participation. Due to the press of our responsibilities under P.L. 100-580, we did not travel to Washington, D.C. earlier this month and testify before the Subcommittee.

As you are probably aware, P.L. 100-580, the Hoopa-Yurok Settlement Act, contains a congressionally directed division of the Hoopa Valley Indian Reservation into the Hoopa Valley Reservation and the Yurok Reservation. Assets are allocated between the tribes by reservation and each tribe is required to waive its rights to the former communal assets in order obtain its tribal assets. Individual Indians are required to make several critical decisions: whether to sign up on the settlement role; and whether or not to become a member of either Tribe. Each of these decisions contains monetary aspects as well as significant issues as to whether rights are being waived, and if compensable rights are being waived, whether adequate compensation being obtained for these rights. As you may be aware these questions occur in the context of over twenty-five years of extensive litigation against the United States. Litigation has been won by individual Yuroks against the United States for allowing the income of the joint reservation to have been individualized and then provided to only the members of the Hoopa Tribe and for allowing only the Hoopa Tribe to govern the reservation.

Although the Yurok Tribe is a federally recognized Tribe, it is not a formally organized Tribe. This lack of formal organization has meant that no tribal entity has been able, to date, to assert Yurok tribal interests in either the judicial or the legislative process. The Yurok Transition Team was created by P.L. 100-580 to serve for an eighteen month period during which many of the critical decisions, referred to above, must be made. It is our responsibility to provide counseling and to promote information concerning P.L. 100-580. We are also responsible for the identification of assets, programs, etc., as such relate to the creation of an economic development plan for the Yurok Tribe. We cease to exist once a Interim Tribal Council is elected by those Yuroks who choose to join the Yurok Tribe.

In order to perform our statutory role in an objective and competent manner, we must be able to respond to the questions and concerns of the Yurok community. Several of these concerns relate to matters within the jurisdiction of the Appropriations Committee.

P.L. 100-580 is structured so that the United States makes two monetary contributions to the Settlement that will accrue to benefit of the Yurok Tribe. These federal contributions may lend credence to the arguments advanced by the supporters of the Settlement, that just compensation is being paid to the Yurok Tribe for the significant timber assets that the Act assigns to the reservation and beneficial ownership of the Hoopa Tribe. Assets, which previously were viewed by the federal courts as belonging to both the Yuroks and the Hoopas. Section 4 (e) of the Act authorizes $10,000,000.00 as the federal share to be deposited in the Settlement fund. Since under the Act's timetable, distributions are to made in Fiscal Year 1990, we hereby request that the $10,000,000.00 authorized be appropriated for Fiscal Year 1990. Section 2(c)(3)(B) of the Act also authorizes to be appropriated not less than $5,000,000.00 authorized (pursuant to 25 U.S.C. sec. 13) for the purpose of acquiring lands—within or contiguous to the Yurok Reservation from willing sellers for the Yurok Tribe. Although the Hoopa Reservation will retain some eighty -thousand acres of tribal land, the Yurok Reservation will contain approximately three thousand acres of tribal land. We hereby request an appropriations of $5,000,000 for Fiscal Year 1990 for land acquisition under the authority of 25 U.S.C. sec. 13 and P.L. 100-580 sec. 2. We are aware that the Department of the Interior has not requested either of these appropriations and that the Department had opposed, in its official position on S. 2723 which upon enactment become P.L. 100-580, providing the federal contributions. There are many people in the Yurok community who perceive P.L. 100-580 as inherently unfair to Yurok interests. The Department of the Interior's failure to request funding reinforces this negative view of P.L. 100-580; failure to appropriate amounts authorized by the Settlement would further erode Community support for the Settlement, as well as erode community support for organizing the Yurok Tribe. These two appropriations are matters of the highest priority to the Yurok Transition team.

There are several other matters which have immediate significance with which Committee assistance would be extremely beneficial. They are:

1. An Appropriation of $1,000,000.00 for Fiscal Year 1989, in such Supplement Appropriation as Congress may enact, to provide for the immediate purchase of lands contiguous to and adjacent to the mouth of the Klamath River, to be held in trust for the benefit of the Yurok Tribe. As you may be aware the Klamath River has been and is the mainstay of the Yurok people. It has come to our attention that at least three parcels of fee land located in a key fishing area are for sale. These various sized tracts, are all currently being commercially operated as trailer parks and fishing camps. One of the sites has been periodically leased by the BIA for a Yurok fishing camp. The BIA should be instructed to consult with the Yurok Transition Team to identify and negotiate for the fair market value purchase of appropriate sites. The acquisition of this land would be both economically and culturally significant to the Yurok Tribe.

2. Fund Klamath River System Restoration Programs. The Klamath River fishery is one of the few fisheries that has maintained a significant "natural run" with respect to the fall chinook salmon. Because the Yurok Tribe is not yet organized, and therefor cannot contract the fisheries program of the Bureau of Indian Affairs, the programs of great interest to us are being lost somewhere between the Bureau's allocation of its funding, and the Hoopa's contracting away its Trinity River/Klamath River portion of the fisheries. We request that an additional $200,000.00 be appropriated and directed for the programs in place for protection and enhancement of the natural run: the Hunter Creek Weir, The Spruce Creek Incubation and Early Rearing Facility, The Hunter Creek Yearling Cage Program, the Omagar Creek Accelerated Stocking Program, the High Prairies Creek Accelerated Stocking program, the Cappel Hatchery, and the Pecwan Creek Cage Rearing Program.

3. Direct the Bureau of Indian Affairs to survey the Yurok Reservation. Section 2(d) of P.L 100-580 provides for boundary clarifications and corrections. It has come to our attention that there is substantial question as the where the actual Bissell-Smith line, identified in the statute, is in any given section of the reservation, particularly where there has been commercial foresting. Modern surveying techniques could resolve these uncertainties.

4. Direct the Bureau of Indian Affairs to make Payments to individuals in Fiscal Year 1990 within ninety calendar days of the required elections and waivers. Although payment of various sums from the escrow funds identified in section 1 of the Act, is to begin in Fiscal year 1990, there is no requirement in P.L. 100-580 that the Bureau of Indian Affairs make these payments in timely fashion.

Honorable Sidney R. Yates, Chairman
March 30, 1989
Page 4

Thank you for your consideration of the matters presented. If you have any questions concerning our request, please do not hesitate to contact us, or our counsel in Washington, D.C., Paul Alexander, at 371-1553.

Sincerely yours,

Yurok Transition Team

The Yurok Transition Team

Charles Abbott
Lisa Sundberg-Brown
Sam Jomes
Sue Masten
Robley Schwenk

TESTIMONY BEFORE THE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
APRIL 28, 1989

I'm here to speak about a very basic human right, the right to our own way of life. It is past time for the federal government to stay out of the tribal affairs people. Instead of passing laws that reaffirm the plenary authority of Congress over Indians, the federal government should be should be passing laws that reaffirm Indian rights to our water, our fish, and our right to self-government. As a Yurok Indian, I have witnessed the abuse of Congress's plenary authority over Indians. In 1988, my people were victims of Congress's plenary power through the passage of the Hoopa-Yurok Settlement Act.

The so-called Settlement Act deprives the Yurok people of their right to self-government. The Act creates a new "Yurok Tribe" and ignores the tribal structure that has been ours for centuries. This new Yurok Tribe is a creature of Congress. It dictates how the tribal government will be organized. Congress dictates its creation, sets its membership criteria and establishes it's membership. The law also conditions federal recognition of the Yurok Tribe on the condition that the tribe waive any claims against the United States. Joining the new "Yurok Tribe" is a double-edged sword. You cannot join the tribe unless you give an irrevocable proxy to the tribal council to waive all claims the tribe might have against the government stemming from the provisions of the Act. This law is punishment against the Yurok people for winning a twenty-six year lawsuit against the Federal Government.

It is true that no one is forced to join Congress's version of the "Yurok Tribe." However, if the Yurok people refuse to join, we will loose our right to hunt, fish and gather on our aboriginal lands. These rights were given to us by our creator and have been ours since the beginning of time. If we do not join this new "Yurok Tribe" we will be denied many of the federal benefits, promised to us when the rest of our aboriginal lands were taken from us. The trust duty owed to Indians by not only the Department of Interior, but the entire federal government will be forever denied to us.

The Act also totally ignores the rights of the Yuroks who live on what is now considered the Hoopa Reservation. Many of these Indians have lived in Hoopa for their entire lives. My father has lived there for more than 70 years. Many were relocated to Hoopa after the Klamath River flooded in 1955 and 1964. Now they are denied the right to cut fire wood, to gather or hunt and fish on the Hoopa Reservation. All of these rights were taken away from us without ever holding a hearing on or near the reservation. Hand picked Yuroks who would sell their soul for a dollar were financed by the Hoopa Tribe to speak in behalf of the majority of the Yurok people. These people were not our leaders and do not represent the opinions of the majority of the people.

When the Act was passed, stuffed dummies with Yurok drawn on them were burned in effigy in Hoopa. Yurok children in the elementary schools were told by their Hoopa classmates that Yuroks did not belong in their schools. Our Yurok elders are stopped on the roads and denied the right to have firewood from the Hoopa Reservation in their vehicles. As a Yurok growing up in Hoopa, I felt what it was like to be discriminated against by other Indian people and the government. We were called the "dirty Yuroks" because we didn't have new per capita clothes like the Hoopa children. Now I see that same ugly discrimination re-surfacing again. My father, a Yurok Indian, has been the commander of American Legion Post 415 in Hoopa for 21 years. He was told that no Yuroks were allowed to march in the Hoopa Sovereignty Day Parade with the other post veterans. These are the kinds of problems that are created by legislators that don't take the time to determine how their actions will effect the lives of Indian people. These are the kind of problems that are created by legislative aides who abuse power and decide who counts and who does not.

Congress is quick to pass laws. They see the title of a bill and think it must somehow be a worthy law. They do not always read or understand what is written in the laws they pass. They don't always stick around to see the consequences of their actions. One month after the Hoopa-Yurok Settlement Act was passed, it was impossible to find any congressman, senator or aide who could answer any questions about the Act. The whole thing has been dumped into the laps of the Bureau of Indian Affairs.

No Federal regulations have been written to help us understand the Act. The Bureau of Indian Affairs makes decisions that affects the lives of

Yurok people on a day-by-day basis. They are deciding who will be tribal members, who will receive reservation resources and who can participate in the reservation fishery. The Government has appointed a board of five Yurok Indians to educate their people about the bill. This Transition Team acts as a temporary tribal government that is not responsible to anyone for their actions. This board was not elected by the people. They cannot be recalled for their actions. They have been given authority to spend $1 million dollars of tribal funds.

We are suppose to live in a democracy where we elect officials to govern us and to represent us. This whole mess reminds me of a third world dictatorship that has the backing of the U.S. Government and once again the victims are the least able to protect themselves. The government is betting that a group of impoverished Yurok Indians won't have the financial resources to keep taking on the federal government. It seems that all forces are brought to bear on Indians whenever they try and fight for their few remaining rights. The Yurok people have survived despite the many injustices that have been brought to bear against us. We have not had to compromise our ideals for a few promises from the government.

Senator Inoye you have been quoted as saying "The purpose of this act is to bring to a close a sad and bitter chapter in the history of Indian Affairs that has for too long encompassed this valley and consumed the energies of two proud and honorable peoples." I share your concerns. However, I must remind you that these long-standing problem were created by the past misguided actions of the federal government. It should not be the Yurok people who are forced to suffer the greatest burden to correct these past injustices.

David E. O'Neil

e KOURIER

J. F. Garst, Jr.
Editor

(USPS #585-080)

Published Weekly by
F. and Peggy Garst

Entered as Second Class Matter at Willow Creek, California. A legally adjudicated paper by Order Number 47660, Superior Court of the State of California, County of Humboldt, on Jan. 8, 1969.
The Kim-tiy (Klamath-Trinity) Kourier was established in November of 1967 by Barry and Doris Carroll. In September of 1974, J. F. and Peggy Garst became the new owners and publishers of The Kourier.

SUBSCRIPTION RATES:
(Payable in Advance)
$15.00 per year in Humboldt
and Trinity Counties
$17.50 per year elsewhere
(Except Foreign)

P.O. Box 355
Willow Creek, Calif. 95573
Phone (916) 629-2811

EDITORIAL

Opinions expressed in this column are those representing the views of *The Kourier* editor unless otherwise specifically stated. Opinions expressed or implied elsewhere in *The Kourier*, such as in Letters to the Editor or correspondents' columns, do not necessarily reflect the official position of *The Kourier* editor and publisher.

:RSONAL NOTES:

Because of the fact that we ran so short of space week, a number of items had to be left out. We don't for this to happen, as we know all of you look forward our particular item coming out the same week you nt it, and that's only natural.

As you will realize, if you think it through, we can't ease the size of the paper by only one page. It must a minimum of two pages at a time, and if the economic tor (advertising) does not justify it, we just don't add the extra pages, which are quite costly.

Most of our readers are very understanding about se matters. A few are not. But they only need to think out how they operate their own businesses. They er make a profit or stop doing business. That's not d to understand, is it?

* * *

Satanism — If the subject of *Satanism* keeps ming up at the same rate as it has in the past month two, we are going to run a special article on the subject d try to uncover what is going on in the Valley.

At first, it seemed like maybe the national and ternational news on the subject, along with reports of me pretty gruesome incidents taking place in various arts of the country, was upsetting local people and perps even working on their imaginations, but some real old people are beginning to come forward with some ories which we believe may need further investigation.

While we don't relish dealing with that side of the ews, and have lots of other kinds of stories we want to oncentrate on, if it is a problem in the Klamath-Trinity Valley that can be helped by digging around, we'll robably do it.

Your Lawmakers

U.S. CONGRESS

1st District	2nd District
DOUGLAS BOSCO (D)	WALLY HERGER

Kourier Korrespondence

Letters to the Editor must be signed in order for them to be published. Names may be withheld upon request. However, the Editor reserves the right to either grant or deny such requests at his discretion. The Editor also reserves the right to edit letters both in length and content, and may omit certain portions in the interest of brevity or good taste. Letters should be kept within 300 words or less.

Longs For The Serenity

Dear Jess,

I read some copies of The Kourier and they really made me long for the serenity and beauty of our mountains.

I miss all my friends up there and hope to come home someday soon.

Connie Dickey
Fairfield

A Hollow Victory

Dear Editor,

Friday the 28th of April is the day selected by the Hoopa Valley Business Council to celebrate their victory over the Yuroks. Somehow that sounds as ominous as "Friday the 13th."

As many of your readers know, this law, PL 100-580 has been financed by the H.V.B.C. They hired attorneys to contact Indian tribes throughout the U.S. to gain their support.

They also paid Western Union for a Congressional hotline. All you or the tribes or tribal chairman or representative had to do was call an 800 telephone number 24 hours a day and they would relay your vote for the bill to the appropriate member of Congress or Senate. They even enclosed three suggested mailgrams for you to choose from.

All this was done with moneys that the tribe was ordered by Judge Thelton Henderson not to be used for legal fees against any Indian of the Reservation. This was done with the full knowledge and probable consent of the B.I.A.

This law, PL 100-580, is supposed to strengthen tribal rights, it is supposed to give the tribe control over who is and is not a tribal member.

Why then are there over 7,000 applications for enrollment in the Yurok Tribe with final determination to be made by the B.I.A. There was only 3,500 Jessie Short plaintiffs.

Sec. 6 (B)(b) of the act states Hoopa Tribal membership option any person on the settlement roll, 18 years old or older, who can meet any of the enrollment criteria of the Hoopa Valley Tribe set out in the decision of the U.S. Court of Claims in its March 31, 1982, decision in the Short case as "Schedule A", "Schedule B" or "Schedule C", and who lived or maintained a residence anywhere on the reservation within the last five year period prior to enactment of this act, or own an interest in real property on the reservation, may elect to be, and upon such election, shall be entitled to be enrolled as a full member of the Hoopa Valley Tribe.

Notwithstanding any provisions of the constitution, ordinances or resolutions of the Hoopa Valley Tribe to the contrary, the secretary shall cause any entitled person to be so enrolled and such person shall thereafter be enrolled as a Hoopa Tribal member.

Does this sound like self determination? Is this strengthening tribal rights?

In a recent news release by the H.V.B.C. (11-4-88) it states that the settlement act guarantees that there can never be a dam on the Klamath River below Weitchpec.

It says nothing about there will never be a dam above Weitchpec on the Trinity River. Like the Beaver Dam.

This is a real possibility with the H.V.B.C.'s position to roll over or sell their in river excess fisheries to the troll or offshore fisheries.

Also (a) past chairman (stated) that the Hoopa Valley Tribe would reserve their right to sell all or part of their water rights to the central or Southern California water districts.

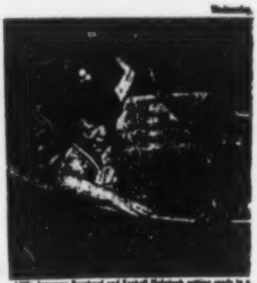
Friday, Apr. 28, 1989 will go down in history as the very first and only time in U.S. History that elected members of our government have participated in a celebration to celebrate a victory of one Indian over another Indian or one U.S. citizen over another citizen.

Yes, Mr. Bosco is coming to Hoopa to celebrate with the H.V.B.C. their victory over the Yuroks. There also is a rumor that Mr. Inouye of Hawaii is also coming.

If Mr. Bosco or Mr. Inouye come to Hoopa to celebrate in any way this hollow victory that the Hoopa Tribal Council calls an event in Hoopa Valley "where the trails return", this will show their ignorance and complete disrespect for Indian people, and for our court system.

Those of you who feel as I do please write to your elected representatives and voice your displeasure with what is happening. This unequal division of Indian lands can happen anywhere if this law is not challenged and overturned.

Respectfully,
Michael McConnell
Hoopa



Little Jeannene Borchard and Rachell McIntosh getting ready to [illegible] in the Zoo" fashion show, May 4th at Trinity Valley School, [illegible] For more information see the [illegible] ad in the [illegible] the classified ads.

Citizens, Beware!

Editor:

Are you aware of a Satanic cult group in the Hoopa Valley? They have been harassing young and old, vandalizing and involved in animal ritualistic killings.

Concerned citizens, law enforcement and clergymen, take a stand; don't let it continue. Put a stop to it now, right now!

This evil cult cannot be allowed to continue. Look what happened in Matamoros, Mexico. How long will it be before a relative, a neighbor or yourself will be a sacrificial victim?

The Sheriff's Department had better regard this as a very serious matter. It cannot be ignored. It must be dealt with now. We must all work together to put a stop to t ship before it g out of control.

A Very
Concerned Citi
(Name Withheld

Ed. Note: W hearing about thi now and hav Sheriff's Depart Apparently, wh been checked int sufficient evider further action. crete evidence th however, it sh known. We are ing into the w intent of writing subject, and if t tion others wer available, it will preferrably by son, however, phone.

Chris's Fork
Lounge

Back By Popular De

'The Rustle

Dance 9 p.m. - 1:30

Friday & Satur

April 28th & 2

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Testimony Presented to the

Honorable Daniel K. Inouye

Chairman, Senate Select Committee Indian Affairs

Good afternoon Mr. Chairman, I am pleased to have this opportunity to speak to you today. The California Tribes appreciate your taking the time to come to California and listen to our issues and concerns. My name is Mary Norton and I am the Tribal Chairperson for the Cortina Rancheria.

Mr. Chairman, you will hear many issues and concerns during these two days of hearings from many Indian people throughout the state. Some of these issues will be "new" problems, but many of them are "old" problems, identified years ago, yet remain unresolved to this day.

My purpose today is not to talk about the nature of the problems themselves, but rather a methodology and/or plan for resolving ~~some of these~~ problems. My testimony will be brief, Mr. Chairman.

On February 9, 1984, the California Indian Task Force was chartered as an official Federal Task Force by the Secretary of the Interior. The primary objective of the Task Force, as presented in the Charter, was to identify issues that are of concern to the Indian people of California and to address those issues in an analytical way. This lead to the determination of policies and programs, that could be implemented to make the programs of the Department of the Interior and particularly, the Bureau of Indian Affairs, more responsive and effective in meeting the needs of the California Indian people.

Mr. Chairman, I was a member of the 1984 Task Force appointed by the Secretary of the Interior. A great deal of time and effort was spent on identifying problems and developing recommendations for action to correct the problems. The Task Force report offered 87 single recommendations for consideration as possible solutions to the many issues identified by California tribes and individuals.

Several of the recommendations have already been implemented by the local Bureau of Indian Affairs under the authorities of the Area Director and Agency Superintendents. However, some of the recommendations cannot be implemented without approval of higher authorities within the Department of the Interior, the Office of the Assistant Secretary-Indian Affairs, and in some instances Congressional action may be required.

The Report of the Task Force should not be construed as truly representative of all of the views or problems of California Indian tribes, nor should the Report be considered the sole basis for future major policy decisions. But it does detail specific problems and recommendations for solutions. This information should continue to be used for resolving problems in the future.

As a member of the California Indian Task Force, I feel that an appreciation of the impacts that a number of significant actions by several levels of Government and others have had upon policies and programs related to or for California Indians is essential to an understanding of why the policies and programs are not on the level needed to meet the needs of California Indian tribes and people today.

In summary Mr. Chairman, I wish to make two points:

1. The 1984 California Indian Task Force Report represented a major effort to identify issues and problems facing California tribes and individual Indians. Many of the issues identified and the recommendations provided are still valid and need your support.

2. Although the 1984 Report is still valid and many of the recommendations still must be implemented, the Report is now 5 years old. I am recommending that the Secretary of the Interior consider authorizing a plan for the California Indians to undertake a study to update the Report. Several of the recommendations which have been implemented over the years need to be deleted, and new and current issues not included, in the 1984 Report, need to be added.

Thank you Mr. Chairman, this concludes my testimony. A copy has been submitted for the record.

CALIFORNIA COUNCIL OF TRIBAL GOVERNMENTS

1304 EAST STREET, SUITE 204 • REDDING, CALIFORNIA 96001 • (916) 244-2994
[illegible]

April 28, 1989

Senate Select Committee on
Indian Affairs
Sacramento, California Hearing
Senator, Daniel K. Inouye, Chairman

SUBJECT: ISSUES/CONCERNS OF NORTHERN CALIFORNIA TRIBAL GOVERNMENTS

Honorable Senator Inouye & Panel Members:

Thank you for allowing me time to present the issues/concerns of the California Council of Tribal Governments, Inc. (C.C.T.G.) My name is Mary Mae Norton and I am both the Chairman of the Board of Director's and of the Cortina Rancheria. C.C.T.G. is a consortium of twenty-four federally recognized tribal governments in Northern California based in Redding, California. We were established in 1978 as an agency to provide assistance in upgrading the economy of those small neglected tribal governments that had limited or no resources. Over the years, we have identified some of the most serious needs of the northern tribal governments.

INDIAN YOUTH:

California's Indian youth at the elementary level and in their formative years have been grossly neglected regarding their special needs, as evidenced by their inability to meet the challenge of daily existence in today's society. The Johnson O'Malley and Title IV Indian programs within the school systems are not working and there is evidence that they are not meeting the needs

Berry Creek Rancheria — Coyote Valley Reservation — Fort Bidwell Reservation — Grindstone Rancheria Hopland Rancheria — Karuk Tribe of Calif. — Manchester/Pt. Arena Tribal Council — Pit River Tribal Council Coast Indian Community of Resighini Rancheria — Robinson Rancheria — Round Valley Reservation Sherwood Valley Rancheria — Shingle Springs Rancheria — Susanville Rancheria — Trinidad Rancheria Upper Lake Rancheria — Nele-Chun-Dun Business Council — Cortina Band of Indians Laytonville Rancheria Cahto Tribe — Nor-El-Muk Band of Wintu Indians — Big Lagoon Rancheria

of the Indian children they are supposedly serving. Parent involvement in the school system is virtually nil. There is a need to establish a solid foundation for these young people.

We recommend funding be designated directly to tribal governments for implementation of special programs for these youths.

INDIAN CHILD WELFARE ACT:

California's tribal governments are grossly underfunded and are not receiving their fair share of I.C.W.A. funds. It is a known fact that approximately 90% of the small amount of funds coming into California are going to urban programs, and not serving federally recognized tribal governments in California.

We recommend that special set-a-side monies be allocated to tribal governments for their utilization.

LAND ACQUISITION:

The majority of California's federally recognized tribal governments have lands that are sub-standard for economic development. Most lands are rock piles which are unsuitable even for growing crops. The new emerging tribal governments have no lands at all.......

We recommend that the federal government give top priority to Indian tribes in their efforts to acquire federal lands sufficient to meet their needs to develop economically and profitably.

MAJOR OVERHAUL OF THE BUREAU OF INDIAN AFFAIRS:

The current Code of Federal Regulations is so encumbered with red tape that tribal progress is being strangled by outdated regulations. Often, a decision by the

Agency Superintendant is overridden by the higher officials and invaluable time is wasted on the decision making process. Currently, to acquire a grant reimbursement a request has to go through channels, beginning with the Agency office who has 30 days to respond, then to the Area office for another 30 days, on to the Phoenix office for an additional 30 days, then finally to the Treasury in Denver, Colorado for another 30-60 days. The entire process takes anywhere from four to five months during which the tribal government has to find other means to meet day to day expenses, which puts them further in a bind.

We recommend that current regulations be reviewed and revised to formulate a better system to expedite the paper work and do away with this cumbersome procedure.

TRIBAL INPUT INTO "UNBANDED" FUNDS:

The Bureau of Indian Affairs has an annual budget that, by law is to be reviewed, analized and responded to by the tribal governments which it serves. They also have a catagory entitled"unbanded" funds in these same budgets. Some of these funds are H.I.P, I.C.W.A., Roads, and Education monies. These pots of money are controlled by the B.I.A. Area Office and the tribal governments have no input into their allocation or distribution. The Area Director has full control of these monies, tribal entities have no say..........

We recommend that federally recognized tribal governments should have input into the utilization of these "unbanded" funds.

CALIFORNIA'S UNRECOGNIZED INDIANS:

California's original inhabitants have been mistreated more than any other ethnic group of people in California's history. Total tribes were eradicated, placed into slavery, and mistreated by the United States government and the California State Legislature.

From the first day the Europeans set foot in California, the indigenous peoples were subjected to terrible treatment. Today, the majority of California's Indians are without federal recognition and must scratch out a meager living competing with the private sector, while a select group enjoy the services provided by the United States and its bureaucracy. (Education, housing, economic development, etc) We recommend that the Senate Select Committee on Indian Affairs expedite Congress to legislate federal recognition to all those petitioners,(some who have been waiting for twenty years for this status) so they can partake of the same advantages offered to federally recognized tribal governments.

STATE COMMISSION ON INDIAN AFFAIRS:

Finally, the California Council of Tribal Governments, Inc., recommends a joint funding effort between the federal and state government to establish a statewide commission on California Indian Affairs. The commission would have six (6) years to meet, hold hearings and resolve problems facing the indigenous tribes of California.

Thank you

Sincerely yours,

Mary Mae Norton, Chairman
California Council of Tribal Governments, Inc.
1304 East Street, Suite 204
Redding, California 96001

TESTIMONY

Senate Select Committee on Indian Affairs

April 28, 1989

Mr. Chairman, members of the Senate Select Committee on Indian Affairs. My name is Erin Forrest and I am representing myself.

Let me say first, Senator Inouye, that your Committee is to be commended for providing this forum to air our concerns relative to issues that give causes for serious concerns.

I would like to take this opportunity to address what I perceive to be the most critical problem facing most California Tribal Governments.

The problem concerns the clouded status of land titles to most California Rancherias/Reservations. Titles for these Trust properties were most often taken in trust for "landless Indians of California" or other similar, dubious designations.

While purchases of land made through "Landless California Indian" appropriations and the Indian Reorganization Act were made for specifically identified groups of Indian survivors of the conquest of California and the California Indian Indenture Act of 1850, the Bureau of Indian Affairs, in its usual predictable ineptness, chose to grant titles in a manner that, at this time, poses critical problems.

To understand the continuing degradation of most California Tribes, a brief overview of inter-related historical events might bring into focus the present situation.

1. An estimated pre-contact Native Indian population in California ranges from 200,000 to 400,000.

2. By 1916, a BIA census identified a surviving population of 16,000.
3. The census prompted Congress to authorize and budget funds for the purchase of small tracts of private lands which were, at that time, occupied by remanents of California Tribes.
4. Purchases of "Rancheria Lands" were made as the BIA located and identified these enclaves of Native California Indian survivors.
5. While the survivors were specifically identified in land purchase justification documents, title was taken in trust for "landless Indians of Califorria".
6. The Rancherias developed Tribal entities which were Federally recognized (note, until recently most Indians chose not to be identified as "reservation Indians"). More recently, with the advent of increased funding and programs for Federally recognized Tribes, it is becoming popular to identify to some Rancheria/Reservation.
7. Even as longstanding Rancheria/Reservation Governments have reserved membership to descendants of the original occupants, the Bureau of Indian Affairs has taken the position that Tribal membership qualifications are not binding and that any "landless California Indian" has an entitlement to access these trust lands. This BIA policy is outlined in Exhibits A through M, which covers a period of 1918 to 1986.
8. As a result of the BIA position, Tribal governing bodies have been overwhelmed by increased occupation of "landless California Indians".

9. To provide additional access, several Rancheria Tribal Governments have been abolished, recognition withdrawn and consolidated into unworkable Tribal entities. For example, the Big Bend, Roaring Creek, Lookout, and Montgomery Creek Rancherias, along with the XL Indian Reservation, are now predominantly governed by off-reservation Indians. The role of the BIA in this development should be investigated by the Senate Select Committee.

   The total domination of the remanents of the Pit River Tribe in this instance is shocking! To be held hostage by the Agency charged with their protection, Pit River Indians are in a present state of chaos.

10. Recently, after 20 years of litigation, the Hoopa-Yurok title question was resolved through legislation. The XL Indian Reservation has been in litigation over land title issues for 13 years. They have been pauperized by legal expenses. Other Rancherias have been driven into submission because they do not have funds to hire attorneys. Every Rancheria with clouded titles faces the potential for submission or extended legal contests.

11. Insecurities of land title prohibit the orderly development of tribal governments of California.

12. In recent years, the Bureau of Indian Affairs created a Task Force on Indian Affairs in California. Since the BIA Area Director edited the Task Force report, the issue of clouded land titles was conveniently omitted.

   Since there has been a substantial contribution made by the State of California, and since, in part, that role stemmed from the California Indian Indenture Act of 1850, we are providing a copy of that Act and documentation of its effects. These documents are credited to Mr. Robert F. Heizer.

It is therefore recommended:

1. That the Senate Select Committee investigate the status of Indian land titles in California.

2. That the Pit River fiasco be given special attention through a thorough investigation by the Committee. Documentation can be easily provided.

3. That the Senate Select Committee then consider appropriate legislation to clarify Rancheria/Reservation land titles in California.

Thank you.

Exhibit A

UNITED STATES GOVERNMENT

memorandum

DATE: FEB 25 1986

REPLY TO ATTN OF: ACTING Area Director, Sacramento Area Office

SUBJECT: Request for Land Assignment - Big Bend Rancheria

TO: Superintendent, Northern California Agency

Attached for your appropriate actions are the January 6th letter and enclosures which we received from Mrs. Marina Oliver, subject as above.

In reviewing our records regarding procedures for the approval of homesite assignments at the Big Bend Rancheria and other rancherias which were purchased by the United States for "homeless" California Indians, it appears that the applicant for a homesite only had to obtain the consent of the other rancheria residents. As the lands were purchased for "homeless" California Indians, tribal affiliation does not appear to have been a factor when considering a homesite application. Attached for your review and guidance are copies of various directives or letters which clearly set forth the Bureau's policies and procedures for making land assignments on "government" tracts.

As you know, title to the Big Bend Rancheria is in the name of the United States of America in fee simple. The land is not held in trust for a particular group, band, or tribe of Indians although correspondence indicates it was initially purchased for the use and occupancy of the Henderson Band of Pit River Indians. As stated in the copy of the July 6, 1937 attached letter signed by the Commissioner of Indian Affairs regarding lands purchased for the Marshall and Sebastopol Bands of Indians, "there is no limitation or reason why other landless Indians may not be located thereon."

Our records do not indicate that there is any current formal governing entity now operating under the general council concept or under articles of association or a constitution at the Big Bend Rancheria. Until such time as one may be established, and such entity may adopt a land assignment ordinance, the responsibility for reviewing and approving homesite applications for the Big Bend Rancheria is with the Superintendent. However, please advise the applicant that he/she should try to obtain the consent of the existing residents. If no legitimate reasons are advanced by the existing residents as to why the homesite application should not be approved, you may aprove the application and advise the party, or parties, adversely affected by your decision of their appeal rights under 25 CFR 2.

/s/ Charles L. Toyebo, Jr.

Attachments

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

Exhibit B

Real Property Management
308 - Big Bend Rancheria
308.3, Big Bend Rancheria

95606 OCT 22 1963

Mrs. Delia Curl Souza
Box 96
Big Bend, California

Dear Mrs. Souza:

We have your letter of October 2 regarding the Big Bend Rancheria. Permission to live on a rancheria depends on the consent of the Indians presently living there. You advised us of the following regarding the former residents of the rancheria, Lillie Montgomery Thomas is deceased; Katherine Montgomery left the rancheria four years and is now residing in Fresno; Harold D. Montgomery left the rancheria four years ago is now residing near Redding; James Christe left the rancheria more than four years ago and is now residing near Burney. You further advised that only yourself and Wilford and Mildred Rhoades are the present residents.

There is enclosed a document which should be signed by Wilford and Mildred Rhoades and any other occupants of the rancheria granting you the necessary permission to reside on the Big Bend Rancheria. As requested during my recent visit to the rancheria, there is enclosed a sketch of the Big Bend Rancheria as well as two copies of an Application for Assignment.

After completing the consent form referred to in the above paragraph, it is requested that you also complete one copy of the Application for Assignment and return both forms to this office.

You are presently on the California Roll under the name of Delia Pearce, No. 24986.

Sincerely yours,

(Sgd) Robert N. Seitz

Robert N. Seitz
Area Real Property Officer

RNSeitz:lgs 10-22-63

cc: Hoopa Area Field Office
Reports & Control Sec.

Exhibit C

Real Prop. Mgmt., T & M
308.3 Big Bend

Area Field Representative
Hoopa Area Field Office

July 16, 1964

Area Real Property Officer
Sacramento Area Office

Assignment - Big Bend Rancheria

Will you please check the title document whereby United States acquired title to the Big Bend Rancheria: The question has been raised in this office that the property may have been acquired for the use and occupancy of Pit River Indians in which case, we might be critised if assigments were made to members of other groups.

We would appreciate your giving us a reply to this question as we do not have a copy of the deed in this office.

(Sgd) Robert N. Seltz

Robert N. Seitz

BSPeasley:jas 7-16-64

INITIALING COPY

Peasley

Real Property Mgmt.
Big Bend Rancheria 308.3

UNITED STATES GOVERNMENT

Exhibit D

Memorandum

TO : Area Director, Sacramento Area Office
Attention: Real Property Management

DATE: July 28, 1964

FROM : Hoopa Area Field Office

SUBJECT: Assignment - Big Bend Rancheria

As requested in your memorandum of July 16, we have reviewed the acquisition document under which the United States acquired the Big Bend Rancheria. Title was taken in the name of the United States and no mention is made of any particular group of Indians. The authority under which the land was purchased is not cited in the deed but we assume it was under the acts of 6-21-1906 and 4-8-1908. We believe that any Indian qualified under these acts would be eligible for an assignment on the Big Bend Rancheria.

Dillon A. Longenbaugh

Dillon A. Longenbaugh, Acting
Area Field Representative

Exhibit E

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Eureka, California,
October 10, 1933.

46108

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

91346

We have about a mile from the town of Crescent City, in Del Norte county, a rancheria of eighty acres of land. This tract has been unoccupied with the exception of four assignments each for five acres. I assume that this rancheria was bought for use by the Indians in the immediate vicinity of Crescent City but it will be seen that very few of them have profited from the purchase.

I have recently received a number of inquiries from Indians in the vicinity of Klamath, California, now residing within the one mile reservation boundary along that river, asking permission to improve and move on a portion of the Crescent City rancheria. I see no reason why this should not be permitted provided that the applicants are found to be enrolled Indians and those who have not previously received allotments on the Klamath.

The purpose of this letter is to ask permission to make assignments to such persons when they show a real inclination to take up their homes at Crescent City.

Very truly yours,

O. M. Boggess,
Superintendent.

B:H

CC to Jessie Henry, Box 44, Requa, California.

.Exhibit F

L-A
46108-33
1970-09
M A P

3

[illegible]

1933

OCT 28 1933

Mr. C. M. Boggess,

Supt., Hoopa Valley Agency.

Dear Mr. Boggess:

The receipt is acknowledged of your letter of October 10, relating to the Indian lands near Crescent City.

Our records disclose that in 1910 there was purchased for the Indian band at Crescent City, at a cost of $3500, 100 acres of land, described as follows:

SE/4 SE/4 and S/2 S/2 NE/4 SE/4, Section 22,
SW/4 SW/4 and S/2 S/2 NW/4 SW/4, Section 23,
Township 16 North, Range 1 West of the H.M.

It was reported at the time that the Indians for whom the land was intended were of the Yurok stock from the lower Klamath River. If these Indians are not making complete and beneficial use thereof, we know of no reason why other landless Indians of California desirous of locating thereon should not be permitted to do so. You are, therefore, hereby authorized to make such assignments, in your discretion.

Sincerely yours,

(Sgd.) John Collier

Commissioner.

a cm

10-OL-28.

Copy to Supt., Sacramento for his information.

Misc Deed Book vol 9 P 786

2

Land-Allotments
40142-17
44112-18
MoP

Exhibit G

1918

JUN 14 1918

Mr. John J. Terrell,
Inspector in Charge,
San Carlos Agency.

My dear Mr. Terrell:

Receipt is acknowledged of your letter of May 19, 1918, relative to the proposed purchase of ten acres of land for Jim (Lagoon) Charlie, and such other Indians as may be located on said tract. It is noted that you express the opinion that the purchase should be closed at the earliest possible date.

You are advised that it was the intention of the Office that you should close the option of purchase on the land offered by Mr. Ladd on the instructions given you in Office letter of April 20, 1918, subject however to the limitations mentioned therein, namely, that it should be clearly understood by Jim Charlie and the other Indians, that the Office and Department reserve the right to remove to the purchased tract any Indians who may care to make their homes thereon regardless of the wishes of the few Indians who live there at the time of the purchase, and in case you regard the proposed purchase as a good proposition.

With the above understanding you may close the option in case you have personally inspected the land, and regard it as a suitable home for the Indians, and the proposition is in every way a good one. As is customary in such cases, the purchaser must give good title and furnish at his own expense an abstract of title to accompany the deed.

Kindly give the matter your early attention.

Very truly yours,

J.H. Dortch.

INITIALING COPY - FOR FILE.

6-ABM-7

FILED BY J. M. S.

Acting Chief Clerk

Exhibit H

1

J

W

A

Land-Allotments.
40142-1917
26876-1918
McP

APR 20 1918

Mr. John J. Terrell,

Inspector in Charge San Carlos School.

My dear Mr. Terrell:

This refers to the correspondence relative to the purchase of land from Mr. F. O. Ladd, of Coalinga, California, as a home for Jim (or Lagoon) Charlie, particular reference being made to your letter of March 23, 1918 (26876-18). You inclose a letter from Mr. Ladd, dated March 13, submitting an offer to sell to the United States for the occupancy of said Indian and his family, the W/2 of Lot 2, Section 24 (township and range not shown), comprising about ten acres at $50 per acre, offer good for sixty days only.

With regard to purchasing ten acres for one family alone, it may be said that the purpose of the appropriation from which the payment would be made is to buy tracts of limited areas on which to locate small bands, with the idea ultimately to divide the land pro rata and give evidence of title to the occupants in the form of patents. This Office does not believe that it would be good policy to attempt to pick out individual families and purchase them a homesite, as seems to be contemplated in the case of Jim Charlie. As you know, there have been many cases where small bands have been living on lands to which they have no title, and that in some instances evictions have occurred. It has been the intention to protect such people, but always with the clear understanding that this Office would be at liberty to move to the purchased tract any Indians who may care to make their homes thereon, regardless of the few Indians who might have lived there at the time of purchase.

Will you kindly explain the situation to Jim Charlie and family and have them clearly appreciate the fact that title to the tract will be in the United States

Exhibit H

and that thereafter should it become necessary to use a part of the purchased lands in caring for other Indians, that they will be expected to make no objection. With such an understanding of the status of the land given the Indians, this Office would have no objection to your closing out the proposed purchase of the ten acres, if you think it is a good proposition.

Very truly yours,

(Signed) E.B. Meritt

4-BMR-11

Assistant Commissioner.

L-A
14609 '7
MAP

Exhibit I

Pearson
Merritt

Mr. L. A. Dorrington,

Supt., Sacramento Agency.

APR 13 1927

My dear Mr. Dorrington:

Reference is made to your report of March 19th upon the matter of assigning certain land to Mollie Wright, which was also claimed by Sam Wright. The facts in the case have been carefully examined, and your action in formally issuing a certificate of assignment to Mollie Wright is concurred in by this Office. The lands constituting the Pinoliville Rancheria were purchased by the Government for occupancy and use by homeless California Indians. Title to the property is in the United States and the rights of occupants do not extend beyond the privilege to use specifically assigned tracts for the purpose of establishing homes thereon.

It appears from your report that certain individuals are leasing or renting their own assigned lands and those assigned to others, for their own benefit. It further appears that there are some Indians who have no assignments because of the lack of land. Right of possession by inheritance can not be recognized. Upon the death of an assignee the land should be reassigned, preferably to surviving members of the family. In cases of abandonment, the reassignments should be to worthy landless members of the band who desire to settle down and establish homes.

The Office has not attempted to set up rules and regulations to govern assignments of lands to California Indians. It was thought best to permit Superintendents having jurisdiction to formulate such rulings as might be necessary to meet conditions in each locality.

Referring again to the Pinoliville Rancheria, your practice of issuing certificates of assignments is considered very appropriate and should be continued. In this way Indian occupants have proper evidence of their right to occupancy, which can be produced when ever necessary to assert their rights against intruders. Summed up briefly, it appears that the Pinoliville Rancheria proposition should be cleared up as follows:

FILED BY [illegible]

INITIALING COPY - FOR FILE

Exhibit I

1. Make reassignments to bona fide occupants, evidencedby certificates of assignment. Where more than one individual are joint tenants the certificate should so stated

2. Tracts relinquished or abandoned should be reassigned. In case of abandonment, absence for a period of two years is regarded as sufficient reason for reassigning the land to another.

3. The acquisition by individuals of additional tracts through inheritance must not be allowed, except where the survivors are landless and are entitled to land, in which cases formal reassignment should be made.

4. The leasing by individuals of tracts other than their own, and for their own benefit, should be discontinued. By leasing their own assigned lands for a period of two years would place such cases in the abandoned class and subject them to reassignment. The Office would prefer to have each assignee utilize all of his own land. However, where only part of used and the remainder could be leased for a nominal consideration, it is believed such action should not be opposed, but the assignee be permitted to make the lease, collect the rental and use it as he might see fit.

Very truly yours,

(Signed) Chas. H. Burke

Commissioner.

1

Exhibit J

AIR MAIL

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE
Sacramento Indian Agency
California

37199

June 9,1937

To: Commissioner of Indian Affairs
Attention Land Division

Subject: Sebastopol Rancheria, Sonoma County, California

103465-17
L-acq. 91

Sir:-

In 1921 there was purchased a tract of 15.45 Acres in Sonoma County from the fund "Purchase of land for landless Indians in California, 1921".

The purchase was intended "for use and occupancy by the Marshall and Sebastopol Bands of homeless California Indians"; but said bands never occupied the tract, nor has any Indian ever lived on the tract from date of purchase up to now.

Pell River

It is, however, a swell homesite with many fine redwoods and a small perennial trickle of water, located in the heart of a fine fruit district and with a hard-surface road along one boundary. I have several families eager to locate.

The question I want settled is: Am I limited to Indians of the Marshall and Sebastopol bands, or their descendants? I think decision should be that any landless Indians may be located on these unused California tracts.

Sincerely,

Roy Nash

Roy Nash, Superintendent

Exhibit K

L-A
37199-37
106465-14
Pt. 21
E C C

8

Mr. Roy Nash

Supt. Sacramento Agency

My dear Mr. Nash:

The receipt is acknowledged of your letter of June 9, with regard to a tract of 15.45 acres in Sonoma County, California, purchased in 1921 for the occupancy and use of the Marshall and Sebastopol Bands of homeless Indians in California.

You state that the above named bands have never occupied the tract since its purchase. You therefore raise the question as to whether Indians other than these bands or their descendants, may be settled thereon.

The records show that the deed conveying the property to the United States does not contain any limitation or provision as to what Indians should be settled thereon. The land was paid for out of an appropriation made by Congress for the purchase of lands for landless Indians of California. While the land was purchased primarily for the occupancy and use of the Marshall and Sebastopol Bands, there is no limitation or reason why other landless Indians may not be located thereon.

Sincerely yours,

Commissioner

6 mlm 23

FILED BY
K. D. MILLER

3:11.3 [illegible]

Exhibit L

Sacramento, Calif.

Feb. 15, 1932

Mr. O. M. Boggess, Supt.
Hoopa Indian Agency
Hoopa, Calif.

Dear Mr. Boggess:

This will acknowledge receipt of your letter of the 11th instant relative to whether an Indian is on the census roll or not has any bearing on his ward status.

Our opinion is that an Indian may be a ward and not be on the census roll, that he may be on the census roll and be a non-ward. In order that there will be no question as to what constitutes a rancheria we are giving you our definition. Rancheria as used at this agency means a tract of land purchased by the United States Government for homeless Indians. The title to same being in the United States. We have about 55 of those small tracts located in this jurisdiction. We have had considerable correspondence from time to time with the Office relative to same.

On April 13, 1927, file L-A 14609-27, the Office advised Former Superintendent Dorrington as follows:

> " The Office has not attempted to set up rules and regulations to govern assignments of land to California Indians. It was thought best to permit superintendents having jurisdiction to formulate such rulings as might be necessary to meet conditions in each locality."

At present we are employing the following system. If an Indian desires to move upon one of these tracts we have him secure a letter addressed to the Superintendent from the other bonified resident assignees to the effect that they have no objection to him moving on the rancheria. Our rancheria are all practically surveyed and divided into lots. Upon receipt of this notice he is given permission to construct his house on one of the vacant lots. After making his improvements he is given an assignment to the property, copy of an assignment being attached hereto. In discussing the situation on one rancheria the Office offered the following rules to be followed.

1. Make assignments to all bonified occupants, evidenced by certificates of assignment. Where more than one individual are joint tenants the certificate should so state.

2. Tracts relinquished or abandoned should be reassigned,in case of abandonment absence for a period of two years is regarded as sufficient reason for assigning land to another.

Exhibit L

3. The acquisition by individuals of additional tract through inheritance must not be allowed except where the survivors are landless and are entitled to land, in which case formal reassignment should be made.

4. The leasing by individuals of tracts other than their own and for their own benefit should be discontinued, by leasing their own assigned lands for a period of two years this would place such cases in the abandoned class and subject them to reassignment. The Office would prefer to have such assignee utilise all his land. However, where only part is used and the remainder could be leased for a nominal consideration it is believed such action should not be opposed but the assignee be permitted to make the lease, collect the rental and use it as he might see fit.

We are operating all of our rancherias under these regulations at the present time, having added one other rule, that being that the improvements placed on the lot by an Indian remain as his personal property and that if the lot is reassigned the new assignee has no right to the former assignee's personal property. We are deciding all cases at this agency as to residence on rancherias in accordance with the foregoing.

In Office letter of Oct. 28, 1925, file 67428-25 the Office advised that Indians residing on these so called rancherias which had been purchased for homeless Indians were to be considered as ward Indians under the Comptroller General's decision accompanying circular 2145.

Trusting this fully answers your inquiry, I remain,

Very truly yours,

O. H. Lipps,
Superintendent.

[illegible]
Incl.

Exhibit M

6

INDENTURE, KIDNAPPING AND SALE OF INDIANS

The Act for the Government and Protection of Indians was passed in the first session of the California State legislature. It was amended in 1860. Securing Indian children for indenture or outright sale was common in California from 1850 to 1863, when the Act was repealed in conformity with federal emancipation procedures. The capturing and disposal of Indian children was, of course, not a matter of record, and the letters and newspaper accounts presented here (see also 2:7, 2:8, 2:10) attest to existence in California of what can only be classed as a particular and local form of slavery. It has been estimated that about 10,000 Indians may have been indentured or sold between 1850 and 1863.

6:1 *California Indian Indenture Act*

An Act for the Government and Protection of Indians
April 22, 1850

The People of the State of California, represented in Senate and Assembly, do enact as follows:

1. Justices of the Peace shall have jurisdiction in all cases of complaints by, for, or against Indians, in their respective Townships in this State.

2. Persons and proprietors of land on which Indians are residing, shall permit such Indians peaceably to reside on such lands, unmolested in the pursuit of their usual avocations for the maintenance of themselves and families: *Provided*, the white person or proprietor in possession of lands may apply to a Justice of the Peace in the Township where the Indians reside, to set off to such Indians a certain amount of land, and, on such application, the Justice shall set off a sufficient amount of land for the necessary wants of such Indians, including the site of their village or residence, if they so prefer it; and in no case shall such selection be made to the prejudice of such Indians, nor shall they be forced to abandon their homes or villages where they have resided for a number of years; and either party feeling themselves aggrieved, can appeal to the County Court from the decision of the Justice: and then divided, a record shall be made of the lands so set off in the Court so dividing them and the Indians shall be permitted to remain thereon until otherwise provided for.

3. Any person having or hereafter obtaining a minor Indian, male or female, from the parents or relations of such Indian minor, and wishing to keep it, such person shall go before a Justice of the Peace in his Township, with the parents or friends of the child, and if the Justice of the Peace becomes satisfied that no compulsory means have been used to obtain the child from its parents or friends, shall enter on record, in a book kept for that purpose, the sex and probable age of the child, and shall give to such person a certificate, authorizing him or her to have the care, custody, control, and earnings of such minor, until he or she obtain the age of majority. Every male Indian shall be deemed to have attained his majority at eighteen, and the female at fifteen years.

4. Any person having a minor Indian in his care, as described in the foregoing Section of this Act, who shall neglect to clothe and suitably feed such minor Indian, or shall inhumanly treat him or her, on conviction thereof shall be subject to a fine not less than ten dollars, at the discretion of a Court or Jury; and the Justice of the Peace, in his discretion, may place the minor Indian in the care of some other person, giving him the same rights and liabilities that the former master of said minor was entitled and subject to.

5. Any person wishing to hire an Indian, shall go before a Justice of the Peace with the Indian, and make such contract as the Justice may approve, and the Justice shall file such contract in writing in his office, and all contracts so made shall be binding between the parties; but no contract between a white man and an Indian, for labor, shall otherwise be obligatory on the part of the Indian.

6. Complaints may be made before a Justice of the Peace, by white persons or Indians; but in no case shall a white man be convicted of any offence upon the testimony of an Indian.

7. If any person forcibly conveys an Indian from his home, or compels him to work, or perform any service against his will, in this State, except as provided in this Act, he or they shall, on conviction, be fined in any sum not less than fifty dollars, at the discretion of the Court or jury.

8. It shall be the duty of the Justices of the Peace, once in six months in every year, to make a full and correct statement to the Court of Sessions of their county, of all moneys received for fines imposed on Indians, and all fees allowed for services rendered under the provisions of this Act; and said Justices shall pay over to the County Treasurer of their respective counties, all money they may have received for fines and not appropriated, or fees for services rendered under this Act; and the Treasurer shall keep a correct statement of all money so received, which shall be

termed the "Indian Fund" of the county. The Treasurer shall pay out any money of said funds in his hands, on a certificate of a Justice of the Peace of his county, for fees and expenditures incurred in carrying out the provisions of this law.

9. It shall be the duty of Justices of the Peace, in their respective townships, as well as all other peace officers in this State, to instruct the Indians in their neighborhood in the laws which relate to them, giving them such advice as they may deem necessary and proper; and if any tribe or village of Indians refuse or neglect to obey the laws, the Justice of the Peace may punish the guilty chiefs or principal men by reprimand or fine, or otherwise reasonably chastise them.

10. If any person or persons shall set the prairie on fire, or refuse to use proper exertions to extinguish the fire when the prairies are burning, such person or persons shall be subject to fine or punishment, as a Court may adjudge proper.

11. If any Indian shall commit an unlawful offence against a white person, such person shall not inflict punishment for such offence, but may, without process, take the Indian before a Justice of the Peace, and on conviction, the Indian shall be punished according to the provisions of this Act.

12. In all cases of trial between a white man and an Indian, either party may require a jury.

13. Justices may require the chiefs and influential men of any village to apprehend and bring before them or him any Indian charged or suspected of an offence.

14. When an Indian is convicted of an offence before a Justice of the Peace punishable by fine, any white may, by consent of the Justice, give bond for said Indian, conditioned for the payment of said fine and costs, and in such case the Indian shall be compelled to work for the person so bailing, until he has discharged or cancelled the fine assessed against him: *Provided*, the person bailing shall treat the Indian humanely, and clothe and feed him properly; the allowance given for such labor shall be fixed by the Court, when the bond is taken.

15. If any person in this State shall sell, give, or furnish to any Indian, male or female, any intoxicating liquors (except when administered in sickness), for good cause shown, he, she, or they so offending shall, on conviction thereof, be fined not less than twenty dollars for each offence, or be imprisoned not less than five days, or fined and imprisoned, as the Court may determine.

16. An Indian convictied of stealing horses, mules, cattle, or any valuable thing, shall be subject to receive any number of lashes not exceeding twenty-five, or shall be subject to a fine not exceeding two hundred dollars, at the discretion of the Court or Jury.

17. When an Indian is sentenced to be whipped, the Justice may appoint a white man, or an Indian at his discretion, to execute the sentence in his presence, and shall not permit unnecessary cruelty in the execution of the sentence.

18. All fines, forfeitures, penalties recovered under or by this Act, shall be paid into the treasury of the county, to the credit of the Indian Fund as provided in Section Eight.

19. All white persons making application to a Justice of the Peace, for confirmation of a contract with or in relation to an Indian, shall pay the fee, which shall not exceed two dollars for each contract determined and filed as provided in this Act, and for all other services, such fees as are allowed for similar services under other laws of this State. *Provided*, the application fee for hiring Indians, or keeping minors, and fees and expenses for setting off lands to Indians, shall be paid by the white person applying.

20. Any Indian able to work and support himself in some honest calling, not having wherewithal to maintain himself, who shall be found loitering and strolling about, or frequenting public places were liquors are sold, begging, or leading an immoral or profligate course of life, shall be liable to be arrested on the complaint of any resident citizen of the county, and brought before any Justice of the Peace of the proper county, Mayor or Recorder of any incorporated town or city, who shall examine said accused Indian, and hear the testimony in relation thereto, and if said Justice, Mayor or Recorder shall be satisfied that he is a vagrant, as above set forth, he shall make out a warrant under his hand and seal

authorizing and requiring the officer having him in charge or custody, to hire out such vagrant within twenty-four hours to the best bidder, by public notice given as he shall direct, for the highest price that can be had, for any term not exceeding four months; and such vagrant shall be subject to and governed by the provisions of this Act, regulating guardians and minors, during the time which he has been so hired. The money received for his hire, shall, after deducting the costs, and the necessary expense for clothing for said Indian, which may have been purchased by his employer, be, if he be without a family, paid into the County Treasury, to the credit of the Indian fund. But if he have a family, the same shall be appropriated for their use and benefit: *Provided*, that any such vagrant, when arrested, and before judgment, may relieve himself by giving to such Justice, Mayor or Recorder, a bond, with good security, conditioned that he will, for the next twelve months, conduct himself with good behavior, and betake to some honest employment for support.

Amendments in 1860 to the Act of April 1850

Chap. CCXXXI–An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty. [Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section third of said act, is hereby amended so as to read as follows:

Sec. 3. County and District Judges in the respective counties of this State, shall, by virtue of this act, have full power and authority, at the instance and request of any person having or hereafter obtaining an Indian child or children, male or female, under the age of fifteen years, from the parents or person or persons having the care or charge of such child or children, with the consent of such parents or person or persons having the care or charge of any such child or children, or at the instance and request of any person desirous of obtaining any Indian or Indians, whether children or grown persons, that may be held as prisoners of war, or at the instance and request of any person desirous of obtaining any vagrant Indian or Indians, as have no settled habitation or means of livelihood, and have not placed themselves under the protection of any white person, to bind and put out such Indians as apprentices, to trades, husbandry, or other employments, as shall to them appear proper, and for this purpose shall execute duplicate articles of indenture of apprenticeship on behalf of such Indians, which indentures shall also be executed by the person to whom such Indian or Indians are to be indentured; one copy of which shall be filed by the County Judge, in the Recorder's office of the county, and one copy retained by the person to whom such Indian or Indians may be indentured; such indentures shall authorize such person to have the care, custody, control, and earnings, of such Indian or Indians, as shall require such person to clothe and suitably provide the necessaries of life for such Indian or Indians, for and during the term for which such Indian or Indians shall be apprenticed, and shall contain the sex, name, and probable age, of such Indian or Indians; such indentures may be for the following terms of years: Such children as are under fourteen years of age, if males, until they attain the age of twenty-five years; if females, until they attain the age of twenty-one years; such as are over fourteen and under twenty years of age, if males, until they attain the age of thirty years; if females, until they attain the age of twenty-five years; and such Indians as may be over the age of twenty years, then next following the date of such indentures, for and during the term of ten years, at the discretion of such Judge; such Indians as may be indentured under the provision of this section, shall be deemed within such provisions of this act, as are applicable to minor Indians.

SEC. 2. Section seventh of said act is hereby amended so as to read as follows:

Sec. 7. If any person shall forcibly convey any Indian from any place without this State, to any place within this State, or from his or her home within this State, or compel him or her to work or perform any service, against his or her will, except as provided in this act, he or they shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, before any court having jurisdiction, at the discretion of the court, and the collection of such fine shall be enforced as provided by law in other criminal cases, one-half to be paid to the prosecutor, and one-half to the county in which such conviction is had.

6:2 *Letter, White to Henley*

T. J. Henley Esq. — Mendocino, May 13th 1855
Supt. Ind. Affrs.

Dr. Sir: I expected to have heard from you, or to have seen you here, in person, and consequently delayed writing to you for some time, but now the clamors of the people here are so great and the cause so just that it is actually necessary to do something with the Indians. I forward you a letter on the subject written to me by the inhabitants settled on this coast, and would suggest that their requests be complied with, if possible, and also that you give me authority to hunt for them (the Indians) and employ a couple or three men to help me as game is abundant and a few men could feed several thousand, and thereby prevent them from coming down to the Coast for fish, and the Coast being the cultivated part of this country, would thereby be in a great measure rid of the evil. I wrote to you about three months ago. I should like an answer to this letter as soon as possible.

With respect, Yours and etc.
Robt. White

P. S. May 17th, 1855. Since writing the foregoing (May 13) I have just learned that a man named McDonald, with others who live on Cache Creek, has stolen three Indians, a woman and two boys, and started for home with them by a

by-road and intends to sell them or trade them for cattle, which has been much practiced of late by parties from a distance. If you wish me to follow them and recover the Indians, let me know when you write, and also give me some general directions.

I remain Yours, with respect,
Robt. White

6:3 *Letter, White to Henley*

Col. T. J. Henley — Mendocino Aug. 9, 1855

Sir

I have just returned after a twenty day hunt amongst the mountain Indians with the intention of hunting for those on the Coast, but I am compelled to return on account of some Spaniards that have been kidnapping some Indians belonging to the Metomas tribe which live about 25 miles from the Coast. According to the Indian reports they say the Spaniards stole twenty or twenty five young women and killed one. They say they know where the Spaniards live and want me to go with them and get their people back. They were taken to Belloncki Valley which is about 20 miles East of (Metom Ki) or Big Valley. I intend starting in the morning after them and will use every exertion to get them back, and if possible, have the offenders brought to justice.

I remain yours with respect
Robert White

6:4 *Letters, White to Henley (2)*

Mah-to Valley
Col. T. J. Henley — Aug 20th 1855

Your letter of July 23rd came to Camp on the 17th Inst. in which you informed me that you expected to pay us a visit this month, and I am anxiously looking for your arrival.

I informed you in my last that I was going to start in pursuit of some kidnapers, but when I visited the tribe the children were stolen from, I learned that they had made their escape, and returned to their tribe. On the 17th inst. an Indian came to our Camp and reported that two white men and a party of Indians had stolen from their tribe a lot of Squaws and children and were taking them away. I immediately started in pursuit and succeeded in getting them all back, which was thirteen in number, all females. The two white men said that they were from Clear Lake and was on an Elk hunt, and pretended not to have anything to do with the prisoners. The Indians with them numbered between fifty and sixty, and were all well armed, some having guns. After they had left, I learned that they had killed one old Squaw and shot a little boy with an arrow, which I think will kill him. After learning the above, I immediately started in pursuit of the two white men, but they had too much the start, and I could not overtake them.

I remain Yr. Obt. Servt.
Robt. White

Col. T. J. Henley Mendocino Sept. 1st 1855

Sir

Since writing my last I have been busily engaged among the Indians in hunting and looking after them. I have heard nothing more about kidnappers, and the Indians have become quiet again. Since my commencement of hunting for the Indians, they have been very peaceable and have committed no depredations worth speaking of. I have visited and hunted for 15 different tribes of Indians numbering, as near as I can ascertain, from four to five thousand. Since June 4th (which was the day I commenced hunting) I have killed twenty three Elks, two hundred and sixteen deer, and seven Bears, which I distributed as equally as I could among the above number of Indians.

Very Respectfully, Your Obt. Servt.
Robert White

6:5 *Letter, Dillon to Lovell*

Fort Bragg Cal.
May 31st 1861

Captain

I have the honor to report that there are several parties of citizens now engaged in stealing or taking by force Indian children from the district in which I have been ordered to operate against the Indians.

I am reliably informed that as many as forty or fifty Indian children have been taken through Long Valley within the last few months and sold both in and out of the county.

The parties, I am told, at least some of them, make no secret of it; but boldly assert that they will continue to do so and that the law cannot reach them. It is pretended I believe that the children are purchased from their parents; but all who know these Indians can fully appreciate the value of this assertion. It is needless to say that this brutal trade is calculated to produce retaliatory depredations on the part of the Indians and exasperate them to a high degree; as how as to interfere materially with our efforts to find and chasten those Indians that deserve punishment, for these men keep the Indians constantly on the alert, attacking and chasing them before us and following in our wake for the purpose of obtaining children.

Very respectfully your most obt servt
Edward Dillon 2d. Lt., 6th Inf.
Comdg. Detachment in the Field

Capt. C. S. Lovell
Comdg. Sixth Infy., USA
Fort Humboldt, Cal.

settlements at the instance and by the permission of one of the first agents of Government.

The laws should be so changed as to give efficiency to the efforts of the men superintending agents of California and a sufficient appropriation at once made to place the institution in a respectable light before the Country, and make it a desirable and happy home for the poor indians. As hitherto conducted, the indians have looked upon the reservations rather as a hell than a home, and when they talk about their future Spirit land where deer and fish abound, among other blessings of that land, they aver that the white man can never get there.

7th A Clerk, black smith and physician is indispensable on each Reservation. Should any thing else occur to my mind of importance, I will advise you of the same.

I have the honor to be etc.

Geo. M. Hanson
Supt. Ind. Affrs N. Dist. Cal.

6:7 Letters, Henley to Manypenny; Wood to Henley

Hon Geo W Manypenny
Comm of Indian Affairs

Washington April 14th 1856

Sir: I have the honor to enclose herewith a communication of the Hon R. N. Wood, Judge of the Court of Sessions of Contra Costa County Cal, in relation to the compensation which ought to be allowed to Maj. Wm. McDaniel for conducting certain prosecutions in that state for the offence of kidnapping Indians and selling them into servitude. It was agreed between Maj. McDaniel and myself at the time he was employed in that service, that he should receive for his services in bringing to trial, persons guilty of this offence, one hundred dollars per month and such fee for conducting the prosecutions as should be approved by the Commissioner of

Indian Affairs. It was deemed by me absolutely imperative upon the Department to take such decisive steps as would speedily put an end to this infamous practice. The traffic was conducted by Mexicans desperate in their character and difficult to arrest. They reside at remote points in the vicinity of the Indians, and were strongly banded together by the prospects of gain in this inhuman trade. Their character for desperation, recklessness and revenge being so well known, there was but few men who were willing to risk their lives in prosecuting them. It would have been utterly useless to depend for one moment on the district attorney of each county to conduct these prosecutions. Being liable to the midnight assaults of these desperadoes, they shrank from the duty of executing the laws and there was no alternative but to employ counsel or fail entirely in the object of suppressing this crime. It is proper to say that the practice had been carried to an extraordinary extent. I have undoubted evidence that hundreds of Indians have been stolen and carried into the settlements and sold; in some instances entire tribes were taken en masse, driven to a convenient point, and such as were suitable for servants, selected from among them, generally the children and young women, while the old men and the infirm were left to starve or make their way back to their mountain homes, as best they could. In many other cases it has come to my knowledge that the fathers and mothers have been brutally killed when they refused assistance to the taking away of their children. One instance of this kind came under my own observation.

I recommended that in the cases alluded to by Judge Wood, as they had been tried twice in Solano county where the jury failed to agree on account of Mexican influence on them by change of venue and Judge Wood. That Maj. McDaniel be allowed a fee of five hundred dollars and one hundred dollars each for other causes tried by him in Nappa and other counties, not to exceed in all, the sum of eight hundred dollars.

Very Respectfully, Thos. J. Henley
Supt Ind Affairs, Cal

the scope of them to the extent requested by the commissioner of Indian Affairs.

Very respectfully Your obt. Servt.
Jeffn. Davis
Secretary of War

Hon. R. M. Clelland
Secretary of the Interior

6:9 *Newspaper article, Marysville, 1861*

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Child Stealing

A day or two ago a couple of gentlemen of this city, were out near the tules in Colusa county, when they came across a party of men, who had in charge five Indian children about three or four years old, three of them being girls, and two were boys:– The Marysville gentlemen were asked if they could not provide homes for these young heathen, their holders saying that their parents had been killed in battle and they were without anyone to care for them. The parties referred to said that they would see what could be done and went out again yesterday, having found homes for two, but the men who had them said that they must have some pay *for their trouble* and put the amount at which they would part with the children at $50, or such a matter. This, of course, showed that these men were *selling* the children, and the gentlemen, who would have placed the young ones where they would be taken care of, came over to town and lodged information with the Supt. of Indian Affairs, for the district, and he went out in pursuit of the party with an officer. The men were arrested and brought to Yuba City, with the children, who were taken in charge by Mr. Hanson. Subsequently it was found that these fellows had been in possession of nine children, of various ages, a day or two before, and were seen coming out of the Coast Range with them, and one of three, which had been disposed of to a Mr. Carmen, who lives eight or ten miles below Yuba City, was found in his possession, driving a lot of hogs to Washoe. The older two were on his

ranch, and he testifies that that he had contracted to pay $80 for the hog-driving boy, eight or ten years old, and $55 for a younger one. The third was left in his possession until a purchaser could be found. The men arrested for this crime, gave their names as Laurie Johnson, *alias* Lewis, formerly of Texas; Jas. Wood, of Green county, Illinois, and James Freak, of New York State, born in Canada. They gave a confused and contradictory account of themselves, and claim to have brought the children from Humboldt county. They were brought before Judge Keyser of Humboldt county, and on the affidavit of Mr. Hanson were sent to Humboldt county, where the offence was committed, for trial. The children, having been kidnapped, as is supposed, in the vicinity of Spruce Grove, Eel river country, it is likely some persons in that section may be able to furnish some information respecting them, or kindred matters, to the Superintendent; if so, they are requested to do so. And parties who are engaged in this nefarious business may as well understand that the present Superintendent is bound to put a stop to their trade, and they will be prosecuted and pursued to the uttermost. Parties who have propositions made to them by these kidnappers, or their agents, will do well to reject them and give information to the Superintendent. We have not space at this time to comment upon this matter, but it is enough to chill the heart of man to know that these vile kidnappers in human flesh are making a regular business of killing the Indians in the mountains, or running them off, and kidnapping their children, packing them about the country, like so many sheep or swine to sell, at retail or wholesale. We shall refer to this matter again.

6:10 *Newspaper article, Marysville, 1861*

The Little Indians in Court

Johnson, Wood and Freak, charged with kidnapping Indian children, were brought over from Sutter county day with the Nome-Lackee Reservation, have lately procured the services of the County Judge of Tehama to indenture to them, for a term varying from ten to twenty years, all of the "most valuable" (that smacks of cottondom) Indians on the Reservation. The writer very properly contends that the Indian Apprentice law, which was passed last winter, did not contemplate the taking of friendly, industrious Indians from the home provided for them by the Federal Government, but those that might be properly described by the term "vagrant," or such others as might be under the special care of Government. The Act relating to this subject is amendatory to one passed so long ago as 1850. It gives to county and district judges full power and authority, at the instance and request of any persons having rightful charge of Indian children under the age of fifteen, or at the instance and request of any person desirous of obtaining any Indians, whether children or grown persons, that may be held as prisoners of war, or at the instance and request of any person desirous of obtaining any vagrant Indians who have no settled habitation or means of livelihood, and have not placed themselves under the protection of any white person, to bind and put out such Indians as apprentices to trades, husbandry, etc. This condensed quotation from the law, embracing its whole substance, certainly does not warrant a conclusion that Indians who are under the protection of Government were meant to be apprenticed, and if such a practice is allowed or contemplated in Tehama county, the authorities should put a stop to it at once.

6:14 Newspaper article, San Francisco, 1861

Apprenticing Indians

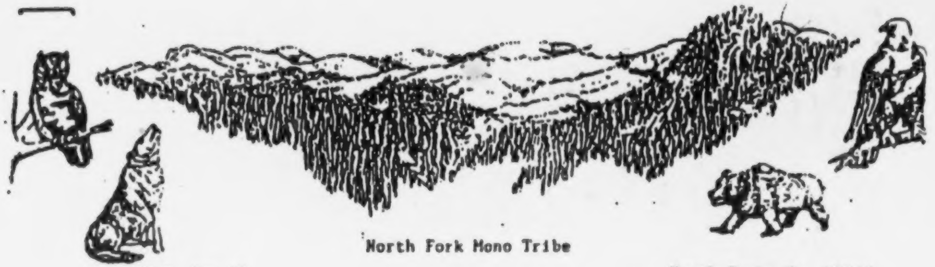
This law works beautifully. A few days ago V. E. Geiger, formerly Indian Agent, had some eighty apprenticed to him, and proposed to emigrate to Washoe with them as soon as he

can cross the mountains. We hear of many others who are having them bound in numbers to suit. What a pity the provisions of the law are not extended to greasers, Kanakas, and Asiatics. It would be so convenient to carry on a farm or mine, when all the hard and dirty work is performed by apprentices!

6:15 Newspaper article, San Francisco, 1861

Kidnapping Indian Children in Mendocino County

A report has been abroad that some of the settlers in Long Valley, Mendocino county, have kidnapped and disposed of Indian children to parties in the lower valley. Among others, G. H. Woodman, formerly of Napa, has been charged with being implicated in such transactions. Mr. Woodman writes to us that he did, in fact, take some Indian children, of the Rispoiner tribe, from Long Valley to the lower valleys, but that it was done by request and consent of their relatives. He further states that he took down one of the head men of the tribe, to see for himself the homes provided for the children, and that he returned highly pleased with their situations. Mr. Woodman's statement is further corroborated by a certificate signed by 44 of the residents of Long Valley. They deny that there was any kidnapping in the case, and state that the children were taken by the consent of their kindred, and that no stock has been killed on their account, as has been reported. They say that the children are much better off where they are, and that their removal has been beneficial to the community, since if they had remained they must have starved, unless the Indians had killed stock for them to live upon. The certificate closes by saying that the more of them that can find homes in the lower valleys, the less stock the Indians will destroy to feed their children.



North Fork Mono Tribe

P.O. Box 49
North Fork, Ca 93643

April 28, 1989

Senator Inouye,

On behalf of the Central Valley Reinterment Committee and the North Fork Mono Tribe, I wish to bring to your attention issues and concerns on religious and cultural matters.

On the whole, the American Indians' religious practices and beliefs are not totally accepted as a legitimate belief. This is not so on a community and local level where the awareness factor has been exposed by the media, historians, and cultural events. But on an executive level and an uninvolved community level, the exploitation factor and unacceptance is very strong.

We are in constant negotiation with Federal, State, and local agencies, commissions, and developers on how to protect our sacred sites and cemeteries. Reference is made to an 1868 resolution on what constitutes a cemetery, and little consideration is given to the First Amendment or the 1978 Native American Indian Religious Freedom Act. Our strongest reference is Public Health and Safety Codes.

The most devastating of all is the destruction of our ancestral burial grounds by pothunters, looking to exploit the artifacts and remains for financial gain. On a different level of exploitation is the vandalism of our rock paintings, as well as the abstraction in paintings sold for personal profit, with a thrusted dagger in our backs by those who misinterpret and misrepresent the religious interpretation.

I thank you for taking the time to hear our concerns, but they are larger than three minutes allows. We would appreciate your staff meeting with our committee or even the Association of Non-Federally Recognized Tribes of California to take a closer look at the necessary legislation needed to protect our sacred grounds and religious rights.

Sincerely,

Ron W. Goode

Ron W. Goode
North Fork Mono Tribal Chairman

Sierra Mono Museum
Board of Director

Sierra Mono Museum

PHONE 877-2115
AREA CODE 209

P. O. BOX 275
NORTH FORK, CA 93643

February 28, 1985

TO WHOM IT MAY CONCERN:

We, the Sierra Mono Museum Organization, recognize the members of the committee titled;

"Central Valley/Mountain Reinterment Committee"

as responsible local Indian leaders knowledgeable and capable of handling reburials of human remains found in the Central San Joaquin Valley and foothill-mountain area.

These members and their respective titles are as follows:

Ron Goode - Tribal Chairman of North Fork Mono Tribe.
Board of Director of Sierra Mono Museum, North Fork, California.
Liason Counselor for Indian Education Dept. of Fresno Unified School District.
Ron is of North Fork Mono descent.

Lorrie Planas - President of Native American Studies AdHoc Committee at Fresno City College.
Vice-Chairman of California Indian Education Association.
President of Title IV Indian Education Parent Committee of Fresno Unified School District.
Lorrie is of Choinumni/Mono descent.

Urion Heath - Member of the Advisory Committee at Fresno City College.
Urion is of Choinumni/Mono descent.

Signed Clifford Bethel
Clifford Bethel, President

Signed Daisy McMann
Daisy McMann, V. President

Signed Ulysses Goode
Ulysses Goode, Corporate Mgr.

Signed Dorothy Dandy
Sierra Mono Museum Board Member

Signed Patricia A. Jones
Sierra Mono Museum Board Member

FRESNO AMERICAN INDIAN COUNCIL, INC.

SUITE 10 • 2ND FLOOR, 20 NORTH DEWITT, CLOVIS, CALIFORNIA 93612
ADMINISTRATION MANPOWER, SENIOR, & SOCIAL SERVICES
209-297-1343 209-297-7885

February 28, 1985

To whom it may concern:

In reference to reburial Committee, the Fresno American Indian Council is pleased to speak of the work this committee is doing.

These people are highly respected in the Indian Community. The Central Valley - Mountain reinternment committee consists of Lorrie Planas, Ron Goode, and Urion Heath.

These three people are grass roots people and are in close contact with the local families.

Your cooperation with this committee will be greatly appreciated.

Sincerely,

Virginia L. Grieco

Virginia L. Grieco,
F.A.I.C. Chairperson

To: City of Newman

Subject: Reinterment of Prehistoric Remains in Newman Indian Cemetary

TO WHOM IT MAY CONCERN:

We the undersigned members of the Yokuts and Mono tribes of the Central Valley and Mountain areas do hereby wish to submit the following policy statement concerning the Newman Yokuts Indian Cemetary:

WHEREAS, the issue of prehistoric Indian burial remains being occasionally discovered throughout the San Joaquin Valley areas from time to time imposes significant problems for contemporary Indian people in the disposition of such remains;

WHEREAS, this problem arises from the fact that the majority of existing Indian cemeteries in the Fresno area where such prehistoric remains would normally be reintered are now filled to capacity;

WHEREAS, in accordance to Indian traditional spiritual values such prehistoric remains must be reintered and laid to rest with respect and honor;

WHEREAS, the City of Newman in establishing the Yokuts Indian Cemetary has demonstrated good faith toward the preservation of the cultural history of the area;

We hereby request that the City of Newman allow the Yokuts Indian Cemetary to be reopened exclusively for the reinterment of Indian prehistoric remains found elsewhere in the Central Valley of Yokut descent.

Tribal Chairman North Fork Mono

Gilbert Hunter	Mono (Cold Sprin Rancheria
Adrian Johnson	Chuckchansi & Mono (Coarsego
Leona Killian	Mono & Chuckchansi (North Fork
Marilyn Marquez	Choinumni & Chuckchansi (Fre
Agnes Pinkham	Mono & Chuckchansi (North Fork
Tracey Lanza	Chuckchansi & Mono (Clovis)
Glenville Temple	Chuckchansi Mono ([illegible])
Leona Chepo	Mono North Fork, Calif.
Bea J Davis	Mono North Fork
Clifford Scott	Mono North Fork
Daisy McManus	Mono, North Fork, Cal.
Joyce Rosgruvik	Mono " " "
Ethel Temple	" " " "
Ruby Pomona	Mono North Fork, Ca
Sylvena Mayer	Mono North Fork, Ca
Dorothy B. Dandy	Mono/Yokut North Fork, Ca. 93643
Isabelle Mauney	Mono North Fork, Ca. 93643
Patricia A. Jones	Mono Box 613 North Fork, Cal. 93643
Lorna M. Dandy	Mono Box 92 North Fork, Ca 93643
Jeanne Vincent	Mono 3079 N. Indianola Sanger Ca 93657

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

SO

REPLY TO: 2360 Special Interest Areas OCT 12 1984

SUBJECT: Collection of Traditional Materials by Local Indians

TO: District Rangers

A representative of the local Indian community informed us today that Forest Service employees were telling Indians they would be cited if they collected acorns without a special use permit. The Indians were very upset by this since acorns are their staple traditional food. Please inform all of your employees, but especially those involved in any public contact, that it is okay for local Indians to collect traditional plant foods, medicines, and basket materials on Forest lands. We actively encourage such activity as a means of helping local Indians maintain their cultural traditions.

If you have any questions, please contact Kathy Moffitt.

Richard L. Stauber
RICHARD L. STAUBER
Forest Supervisor

cc:
Kathy Moffitt
Ulysses Goode
Sierra Mono Museum
P.O. Box 275
North Fork, CA 93643

CURATORIAL AGREEMENT BETWEEN
SIERRA MONO MUSEUM
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
SIERRA NATIONAL FOREST

This curatorial agreement establishes the Sierra Mono Museum as the archaeological and ethnographic curatorial center for the Sierra National Forest. The agreement will assist the North Fork Mono Indians in the continuation of their cultural heritage and provide artifacts for museum display.

The Sierra National Forest will provide a catalog of all materials which are sent to the Museum for curation. All materials will be properly labeled and packaged before being delivered for curation. Written notice will be provided to the Museum when qualified individuals desire access to the collections for research purposes. This will allow the Museum to set up a meeting time which is convenient for the Museum staff. The Sierra National Forest will notify the Sierra Mono Museum in writing if it is necessary to remove collections for study purposes. The Forest will also assure the Museum receives copies of all reports written about the artifacts and projects for which the artifacts were collected.

All collections curated at the Museum will remain on the Museum premises and cannot be removed or transferred without the written permission of the Sierra National Forest. The Sierra Mono Museum recognizes the artifactual materials are being placed on long-term loan to the Museum and remain the property of the U.S. Government. The Museum will curate all materials according to professional standards and provide reasonable security for the collection(s).

The Sierra Mono Museum recognizes materials curated at its facility may at a later date be transfered to other curatorial facilites in the vicinity of the Forest. This may occur if other local Indian organizations or communities develop facilities appropriate for curation of archaeological and ethnographic collections.

This agreement in no way restricts the Sierra National Forest or the Sierra Mono Museum from cooperating with or entering into agreements with other public or private agencies, organizations or educational institutions.

Either party may terminate this agreement by providing a 45-day written notice.

In witness, the parties to the curatorial agreement have executed it as of the last date written below.

10-27-85
Date

Ron Goode
Ron Goode, Cultural Resource Representative

10-27-85
Date

Dorothy Dandy
Dorothy Dandy, President Sierra Mono Museum

10/25/85
Date

for James L. Boynton, Forest Supervisor

FS-6200-28(7-82)

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SIERRA NATIONAL FOREST
FEDERAL BLDG., RM 3017
1130 "O" STREET
FRESNO, CA 93721

REPLY TO: 2360

DATE: JUL 2 [illegible]

Ron W. Goode, Chairperson
Sierra Mono Museum
P.O. Box 275
North Fork, CA 93643

Dear Mr. Goode:

The Pacific Gas and Electric Company (PGandE) is implementing an erosion control project at Bass Lake. Part of this project is to stabilize eroding banks located at three archaeological sites (CA-Mad-223, 244 and 392). PGandE has requested the issuance of an Archaeological Resources Protection Act (ARPA) permit in order to conduct a data recovery program at the three sites before installation of the control measures. PGandE has selected INFOTEC, Inc. to conduct the necessary mitigation.

I am notifying you as required under section 36 CFR 296.7 of the Act because the North Fork Mono have a cultural and ancestral interest in the project area. As with previous archaeological investigations at Bass Lake, the Forest Service will include several stipulations as part of the permit. These include: (1) an acceptable burial policy; (2) a curation agreement between PGandE, Forest Service, and the Sierra Mono Museum; and (3) the presence of Native American monitor(s) during fieldwork. The Forest Service will issue the permit only after PGandE has demonstrated compliance with these and other application stipulations. PGandE or its representative, INFOTEC, Inc., will be contacting you soon regarding the project.

If you would like to discuss the project further, or have any specific concerns that might affect our issuance of an ARPA permit for this particular project, please contact Greg Greenway at 487-5163. Mr. Eric Montizambert, Project Manager for PGandE, can also be contacted at (415) 973-5689 for additional project information.

Sincerely,

JAMES L. BOYNTON
Forest Supervisor

CRANE VALLEY HYDROELECTRIC PROJECT
BURIAL POLICY for TEST EXCAVATIONS

The Sierra Mono Museum, Pacific Gas and Electric Company and the U. S. D. A., Forest Service, Sierra National Forest enter into the following agreement concerning the treatment of burials during the archaeological testing program at the Crane Valley Hydroelectric Project. In this agreement the Sierra Mono Museum, a cultural and educational institution of the North Fork Mono community, is represented by Clifford Bethal and Ron Goode. Pacific Gas and Electric Company is represented by the manager of its Land Department, B. H. Nesbit. Sierra National Forest is represented by Forest Supervisor James L. Boynton. The term of this agreement shall be to the end of all aspects of the archaeological testing program.

Pacific Gas and Electric Company (PGandE) is currently completing studies for a license to continue operation of the Crane Valley Hydroelectric Project. As part of these studies PGandE is recording and testing archaeological sites in the area of the project. PGandE recognizes that archaeology is often seen as a disturbance to the heritage of the Western Mono people and that human remains which may be encountered in the course of testing (and full-scale excavation) are very important to the Mono people. The following is a proposed agreement addressing the treatment of human remains encountered during the test excavation phase of archaeological research at the Crane Valley Hydroelectric Project. Provision No. 7 concerns the creation of a policy to be applied during any future full-scale excavation (also known as data recovery) archaeological research at the Crane Valley Hydroelectric Project.

1. Under various state laws (A.B. 297, PRC-5097.9 et. sec, HSC 7050.5) excavation is not permitted in areas of recent and known burials.

2. If any burials are discovered, the Mono monitor will be informed immediately. A designated represen- tative of the Sierra Mono Museum will also be informed. (Burials are considered human bone (two or more pieces) which are densely clustered or in articulation. Fragments are isolated pieces of human bone not found in association with other pieces of bone. The discovery of three or more burials at a site results in the designation of that site as a cemetery.)

3. If a burial is encountered, the unit in which it has been discovered will be abandoned. If isolated fragments of human bone are discovered, they will be removed until the unit is completed. Fragments will be reburied in the unit where they were discovered when the unit is backfilled. Any artifacts found in direct association with burials are to remain in place.

4. Clustered or articulated bone will be exposed only enough to ascertain if they are human. Studies of the human remains will be limited to those that can be performed without removing the remains.

5. Any studies of human remains and associated artifacts will be limited to non-destructive tests and photographs may not be taken (sketches are permissible).

6. The project monitor(s) will choose whether or not they will participate in any work in units or areas where human remains have been discovered. Monitors will be compensated for time spent observing any work done with burials.

7. Prior to the data recovery phase of archaeological research, the Forest Service (Sierra National Forest), PGandE, and the Mono community (represented by Sierra Mono Museum) will develop a burial policy covering the disposition of remains which cannot be left in their exact place and condition of discovery.

8. Failure of the permitee or permitee's contractor to comply with these requirements may result in the closure of the excavation.

Crane Valley Burial Policy - Testing Phase

This agreement will require close coordination and cooperation between all concerned parties. PGandE recognizes that its primary research goal in the Project is the preservation of significant cultural resources. The concerns of the Mono people are a very important part of this preservation process.

SIGNED ______ DATE 6-25-85
Clifford Bethal, President
Sierra Mono Museum

SIGNED Ron Goode DATE 6-25-85
Ron Goode, Archaeological
Representative
Sierra Mono Museum

SIGNED Bruce H. Nesbit DATE 7-8-85
B. H. Nesbit, Manager
Land Department
Pacific Gas and Electric Co.

SIGNED ______ DATE 7/15/85
James L. Boynton, Supervisor
Sierra National Forest

REDBANK AND FANCHER CREEKS PROJECT
U.S. ARMY CORPS OF ENGINEERS
SACRAMENTO DISTRICT

BURIAL POLICY AGREEMENT FOR DATA RECOVERY EXCAVATIONS

The Sierra Mono Museum of Madera County, the Choinumni Tribe of Fresno County, the U.S. Army Corps of Engineers, Sacramento District (COE) and MITECH enter into the following Agreement concerning the treatment of any burials that may be found during archaeological data recovery excavation at CA-Fre-632, -633, -1154, and -1155 as part of the Redbank and Fancher Creeks Project. In this Agreement, the Sierra Mono Museum, a cultural and educational institution of the North Fork Mono Tribe, is represented by the archaeological representative, Ron Goode; the Choinumni Tribe of Fresno County is represented by their archaeological representative, Lorrie Planas, MITECH is represented by the Director of Cultural Resources for Chambers Group, Inc., Dr. Philip de Barros; and the U.S. Army Corps of Engineers, Sacramento District is represented by the District Engineer, Colonel Wayne J. Scholl. The term of this Agreement shall be until the end of all aspects of the said archaeological data recovery operations of the said Redbank and Fancher Creeks Project.

The U.S. Army Corps of Engineers is expanding the capacity of its reservoirs in the Redbank and Fancher Creek area. Four known archaeological sites (CA-Fre-632, -633, -1154 and -1155) will be impacted by flooding and wave action and will ultimately be destroyed. Prior to project development, COE is conducting data recovery excavations in the site deposits to recover a sample of their archaeological information. COE and MITECH recognize that archaeology is often seen as a disturbance to the heritage of Native Americans and that human remains which may be encountered in the course of excavation are a very sensitive issue and held with great sacred reverence by the Mono and Choinumni peoples. The following Agreement addresses the treatment of any human remains that may be encountered during archaeological excavations for the Redbank and Fancher Creeks Project.

1. The American Indian Religious Freedom Act of 1978 (AIRFA) requires that Federal agencies consider the concerns of local American Indian American groups with regard to American Indian religious practices and sacred sites, such as burials and cemeteries.

2. If any burials should be discovered, the Native American Monitor will be informed immediately. Designated representatives of the Sierra Mono Museum, and the Choinumni Tribe of Fresno County will be informed. (Burials are

considered human bones (two or more pieces) which are closely proximate or in articulation. Fragments are isolated pieces of human bone not found in association with other pieces of bone. The discovery of three or more burials at a site results in the designation of that site as a cemetery.]

3. If human bones of any kind are encountered (articulated burials, clustered or isolated fragments), they may be exposed for nondestructive analysis, but no photographs may be taken (drawings are permissible).

4. The human remains shall remain in place in their original position and be reburied when backfilling the excavation unit. Care shall be taken to ensure that human remains are not damaged during the time that they are exposed.

5. The Project monitor(s) and Native American field technicians will choose whether or not they will participate in any work in units or areas where human remains have been discovered. Monitors will be compensated for time spent observing any work done with burials.

6. No one may purport to represent the U.S. Government without express written permission from the government.

7. All landowners' restrictions for rights-of-entry and access, as acquired for the purposes of this data recovery program, are to remain in effect. Any visitation of the site by those not employed by MITECH must be arranged with the appropriate landowners.

8. This agreement terminates with the completion of the data recovery contract between the U.S. Government and MITECH.

This agreement will require close coordination and cooperation among all concerned parties. COE and MITECH recognize that its primary research goal in the Project is the preservation of significant cultural resources. The concerns of the Mono and Choinumni peoples are a very important part of this preservation process.

SIGNED Ron Goode DATE Oct 25, 1987

RON GOODE
North Fork Mono Tribal Chairman
Sierra Mono Museum

SIGNED Lorrie Planas DATE Oct 26, 1987

LORRIE PLANAS
Archaeological Representative
Choinumni Tribe of Fresno County

SIGNED Wayne J Scholl DATE 11/12/87

COLONEL WAYNE J. SCHOLL
District Engineer
U.S. Army Corps of Engineers, Sacramento District

SIGNED Philip de Barros DATE 10/28/87

PHILIP DE BARROS
Director, Cultural Resources
of Chambers Group, Inc.
for MITECH

CURATION AGREEMENT

THIS AGREEMENT IS FREELY ENTERED INTO THIS OCTOBER 1987, BY AND BETWEEN MITECH, THE U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT AND THE SIERRA MONO MUSEUM, (HEREINAFTER, THE MUSEUM). BOTH PARTIES AGREE TO BE LEGALLY bound by the terms and conditions set forth as follows:

1. The Museum agrees to provide safe and secure storage at its facilities in North Fork, California, for the collection of archaeological specimens from four sites (CA-Fre-632, -633, -1154 and -1155) within the Redbank and Fancher Creeks Project Area. The Museum agrees to curate artifactual material from both the earlier test excavations (currently stored at the U.C.L.A. Museum of Culture History) and data recovery excavations conducted by MITECH at these sites. The Museum will curate all materials according to professional standards.

2. MITECH will provide a catalog of all materials which are sent to the Museum for curation. All materials will be properly labeled and packaged before being delivered for curation.

3. All collections curated at the Museum will remain on the Museum premises and cannot be removed or transferred without the written permission of the U.S. Government. The Sierra Mono Museum recognizes the artifactual materials are being placed on long-term loan to the Museum and shall remain there in perpetuity. All parties understand that title to the abovementioned collections is vested in the U. S. Government, and the possession of the collections by the Museum does not constitute or imply transfer of ownership.

4. The Museum agrees to permit reasonable access to the collections by qualified persons for study purposes. The Museum shall institute reasonable procedures to assure the integrity and security of the collections during any such study and at all other times.

5. The Museum shall not disclose information about the location of any site or sites from which the subject collections have been acquired.

6. In consideration of the foregoing, MITECH agrees to pay the Museum a one-time curation fee of $1000.00 (One Thousand Dollars). This sum covers both the costs of curation (storage) and display.

7. The cost of transporting the test excavation collections from the Museum of Cultural History at UCLA to the Sierra Mono Museum shall be born by MITECH as part of an addition to

their contract with the Army Corps of Engineers, Sacramento District.

8. MITECH and the Corps of Engineers, Sacramento District, agree that activities covered under this policy agreement are covered under Contract No. DACW05-87-C-0099 and that this policy agreement does not constitute a basis for any additional costs to the government.

AGREED:

Philip de Barros

Dr. Philip de Barros
Director, Cultural Resources
Chambers Group for MITECH

Oct. 28, 1987
Date

AGREED:

Ron Goode

Mr. Ron Goode
SIERRA MONO MUSEUM
B.O.D. Archaeological Representative

Oct 25, 1987
Date

AGREED:

Wayne J. Scholl

Colonel Wayne J. Scholl
District Engineer
U.S. Army Corps of Engineers,
Sacramento District

11/12/87
Date

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CENTRAL VALLEY/MOUNTAIN REINTERMENT COMMITTEE
AND THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION

This agreement entered into this Fifteenth day of January______ 1987 between the undersigned parties pertains to the procedures to be followed in event that human skeletal remains are found during archaeological work at the site designated as CA-Fre-1671.

1. Should human skeletal remains be uncovered, all further exposure of the remains shall cease.

2. The County Coroner's Office shall be notified immediately by phone by the archaeological consultant's field director.

3. The archaeological consultant's field director shall immediately notify the Native American Advisor, who shall also act as "most likely descendant" under the provisions of Section 5097 of the California Public Resources Code. In turn, the Native American Advisor shall notify the "Central Valley/Mountain Reinterment Committee".

4. The archaeological consultant's field director shall also notify the State's Archaeological Project Monitor. In turn, the State's Archaeological Project Monitor shall notify the State Project Director.

5. In accord with Section 5097 of the California Public Resources Code, the County Coroner shall make a determination as to whether the human remains are Native American.

6. If the County Coroner determines that the human remains are Native American, then they shall be completely uncovered, fully documented and recorded through line drawings. No photographs shall be taken of the remains.

7. Human remains that cannot be left in place due to highway construction shall be removed for purposes of non-destructive analysis to Caltrans'archaeological consultant's laboratory where they shall be kept safe and under lock and key. The period of time that the human remains can be kept in the archaeological consultant's possession shall not exceed 45 days from the completion of fieldwork.

8. The archaeological consultant shall deliver the human remains to the "Central Valley/Mountain Reinterment Committee" for reinterment at a location to be agreed upon by the State and the Committee.

9. The State shall bear reasonable costs for reinterment.

Roy A. Cook 1/15/87

California Department of Transportation (date)

Ron W Goode 1-15-87

Indian Council (date)

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY
GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF TRANSPORTATION
P. O. Box 12616, Fresno, CA 93778

June 9, 1987

6-Fre-168
6 24601 Arch. Site
CA-FRE-1671

Mr. Ron Goode
Tribal Chairman
North Fork Mono Tribe
133 Sierra Avenue
Clovis, CA 93612

Dear Ron:

Human Burial Site

This letter is meant to catalogue our joint efforts at avoiding damages to the recently discovered burial site.

As we previously discussed, beyond not doing this safety project, the State has only two alternatives; first, to move the alignment out of the area and second, to raise the profile grade which would avoid all excavation near the burial site.

Some of the reasons for rejecting the first alternative are: an alignment designed to miss the burial area would have to be tested again for archaeology and more burials could be found. Secondly, because of terrain limitations and the required testing, the excessive cost would stop the project.

Some of the positive reasons for selecting the second alternative are: raising the profile grade would avoid all excavation near the site and avoid further disturbance of burials. The raised grade line would also cover the site with an additional layer of soil, thereby helping to preserve it from vandalism and future development. The cost of raising the grade would be approximately $40,000 dollars, a figure the State feels, is within reason for mitigation.

Not to do a project at this location, which has been identified as a high accident location, is not an acceptable alternative, as State law requires that we find a method of reducing accidents when we identify such a location. Eliminating the sharp curves is the surest method we have of achieving that end.

Another concern you have had is that this section of Route 168 would be replaced by a higher standard road at an early date, and therefore a project may not be needed at the present time. I have checked our present planning program and it calls for a bypass in 15 to 20 years, much too long a time to avoid doing a project now.

I understand that placing embankment over the burial site is not a perfect solution, but given the problems involved and the parameters we have to work with, this solution seems to be the best.

I want to thank you for your help in arriving at a workable solution to a difficult problem. It is unfortunate that problems such as this do occasionally occur; let's hope another doesn't happen soon.

If I can be of any further help on this or any other highway project, please let me know.

Very truly yours,

MONTE R. BERRY
Native American Coordinator
District 6

MRB:JA
CC: NAHC
    Central Valley-Mountain Reinterment Committee
    Big Sandy Rancheria
    Cold Springs Rancheria
    Table Mountain Rancheria
    Sierra Mono Museum
    Lorrie Planas
    Infotech Research, Inc.
    DSingh
    Environmental Files

TULE RIVER TRIBAL COUNCIL
TULE RIVER INDIAN RESERVATION

Honorable Chairman, Committee Members

My name is Gilbert Williams and I am the Chairman of the Tule River Tribe. My testimony today will address two issues of primary concern to Tule River Tribe which also have great impact on all California tribes.

In 1982 Tule River Tribe applied for an exception from the band process to allow the Tribe to utilize its BIA contract monies in ways appropriate for Tule River. Although the Bureau of Indian Affairs opposed this application, it was approved by Congress in 1983. The Tribe has used this procedure since 1984. The Bureau of Indian Affairs, specifically the Sacramento Area Office and several Agency superintendents, have been open in their opinion that this contract is inappropriate and that the Tribe should return to the IPS procedure. Throughout the life of this contract the Tribe has dealt with a variety of problems in its relationship with the Bureau. These problems can be grouped in four general areas.

No. 1 Conflicting, incorrect and omitted information on contract application procedures.

No. 2 No consistency in BIA staffing, interpretation of regulations and decision making responsibility.

No. 3 Implied Agency status and services population questions.

No. 4 Inadequate, inappropriate or untimely monitoring and technical assistance.

Specific information on each of these is included in attachment A.

The final result of these conflicts was a formal appeal filed by the Tribe on December 8, 1987. The primary appeal was based upon the fact that Bureau had not provided the Tribe with contract application review information, even though the contract was submitted September 27, 1987. This delay was a clear violation of CFR Regulations and the Tribe was nearing the end of the first quarter with no contract or information on how to obtain approval of the contract.

In December of 1988, after a year of frustration, the Tribe received a decision from the Indian Appeals Board which stated the Appeals Board did not have jurisdiction or authority to remedy anything contained in the appeal. The Appeal was returned to the Assistant Secretary for Indian Affairs Office for further action at that time. Despite concerted efforts by the Tribe and it's attorney, no further action has been taken.

The Tribe understands that the Area Office contends that since FY-88 is over, the question of approving the contract is moot. The Tribe does not agree. Congress appropriated $245,700.00 directly to Tule River for the purpose of providing services to its members. The Bureau of Indian Affairs has never provided adequate reasons for denying the contract application. The loss of this money resulted in complete loss of fire protection, adult education services and other critical programs for more than a year. The protection of the natural resources has been seriously jeopardized and critical projects are behind schedule.

Although the Tribe has been granted their FY 89 contract, there is still a critical need for completion of projects and activities budgeted for FY 88. The Tule River Tribe respectfully requests the Committee to intervene in its behalf and assist in securing the $245,000 Congress intended for Tule River.

The second area of concern is law enforcement on the Reservations. The Tribes of California have finally secured the right to contract for law enforcement activities, however, no additional funds have been budgeted to support these activities. Tule River anticipates a minimum need of $50,000 in FY 91 to provide on Reservation law enforcement. If no additional funds are forthcoming, the Tribe will have to reduce or choose between critical natural resource, education, fire protection or youth programs and law enforcement. The Tribe respectfully requests the Committee increase the Tule River planned allocation by $50,000 and increase the planned allocation for the Sacramento Area Office by an amount sufficient to meet the law enforcement needs of California tribes still included in the Indian Priority System.

Also, let it be known that we believe the Secretary of the Interior's proposed freeze on land aquisition and President Bush's recommendation for a delay in liability insurance are in direct violation of Congressional intent and will greatly hinder tribal economic development efforts. We are unconditionally opposed to both measures.

I am providing written testimony and documentation to the Committee to support the statements made in this presentation. If additional information is required, I will be happy to provide it upon request.

Thank you for this opportunity to speak.

TULE RIVER TRIBAL COUNCIL
APPEALS ISSUES
638 SET ASIDE CONTRACTS - FY 83 TO FY 88

The following is an attempt to define the issues and problems encountered by the Tule River Tribe in the implementation and operation of the Set Aside Contracts. These problems have been ongoing since the inception of this contracting procedure and have contributed to the formal appeal submitted by the Tribe in December of 1987.

1. Conflicting, incorrect and omitted information on contract application procedures.

The Tribe has received conflicting or incorrect information on the contracting procedure from the initial start up. Meetings and T&TA sessions have failed to resolve specific questions and have frequently raised additional questions which have not been answered.

One example would be the inclusion, at the Agency's recommendation, of a law enforcement component in both FY 85 and FY 86. This component was not contractible in California under P.L. 280.

Another example is the allowability of direct program administration or management costs. The Tribe was first told that no direct management costs could be included. When the Tribe was experiencing staff layoffs during 1986, the Agency informed the Tribe that direct administration costs were allowable. Since that time the Tribe has been given various instructions on the procedure including use of the 90 components, direct program personnel lines and including all under the Tribal Administration component.

Another example is the failure of the Agency to provide information about the procedures for movement of funds. The Tribe was completely unaware of the restrictions regarding movement between Activities until a modification request was submitted which reflected movement across these lines.

A fourth example is the confusion surrounding the length of the contracts. The FY 86 Contact was approved as a one year contract, however, the Tribe was instructed to prepare FY 87 as the second year extension of a three year contract. Accordingly, the FY 88 application was prepared as the third year extension. The Tribe did not learn until July 1987 that it did not have a multiple year contract and the FY 87 contract was not an extension.

The result of this situation has been delayed contract approval, reprogramming of funds, greatly impaired planning ability, partial and complete revisions of contract applications and general confusion regarding allowable costs. The Tribe has requested specific written instructions on numerous occasions, however, none have been provided.

2. No consistency in BIA staffing, interpretation of regulations and decision making responsibility.

   Since the start of this contract the Agency has had five regular or temporary Superintendents,(R. Jaeger, Alby,. R. Eden, K. Davis, T. Whitford, H. Brafford, Acting and M. Smith), numerous staff on short term acting status and a high turn over of branch staff and chiefs. In addition, eight people have held the Education Administrator position. Each of these individuals has given the Tribe differing interpretations of BIA regulations and procedures required for contracting and contract operations. The Tribe has been given no concise information regarding decision making responsibility and final authority.

   There appears to have been little communication between outgoing and incoming BIA staff members which has resulted in the same issues being raised repeatedly. Lack of internal BIA communications have resulted in demands for the Tribe to comply in certain areas after giving assurances that they would refrain from activities in the area and statements that required information has never been received because it was submitted to a staff member no longer employed and cannot be located. Initially the Contract Officer was designated as the contact person for all questions and directions. The Tribe requested meetings, however, the first meeting between the Contract Officer and the Tribe did not occur until April 1987. Subsequently, various sub-COR's were assigned and then a contract coordinator. The central problem of decision making has never been clarified during these changes.

   The result of this situation has been delayed, very delayed, and in some cases no response at all, to vital questions and requests for information from the Tribe. In certain situations the Tribe has received directly conflicting information and has no way of determining which is correct. Funds have been disallowed, services have not been provided, program activities have been delayed and communications between the Tribe and BIA staff have become strained due to this problem. Effective long range planning and program operation design are virtually impossible due to constant changes, the lack of specific guidelines and confusion over who has final authority.

3. Implied Agency status and service population questions.

   The Tribe has contracted for services to enrolled members of the Tule River Tribe and has designed it program operation and budgets accordingly. Since the inception of the contract the Tribe has been told it must and must not provide services to other Indian people. The differing instructions seem to be based on whether or not the Tribe has implied Agency status as a result of the contract.

   Superintendent Whitford, in response to the Tribe's request for clarification, clearly stated that the Tribe had contracted only for services to enrolled members and no Agency status was implied . However, since that time various Branch Chiefs and the Superintendent have again raised the issue and given conflicting information to the Tribe.

It should be noted that the Area Education Office has always defined the service population as enrolled members only. The service population can vary from 650 to over 3,000, depending on this status.

The results of this problem have been major confusion for individuals not enrolled in the Tribe, denial of services to certain individuals, confusion as to the authority of the Tribe in enrollment, range and other programs, impaired program planning and operation, and completely different directions from various Branches regarding eligibility and allowable expenditures.

4. Inadequate, inappropriate or untimely monitoring and technical assistance.

The Agency retains 9% of the total Tule River appropriation for expenses incurred in monitoring the various programs and activities contracted by the Tribe. During FY 83 and FY 84, all or the major portion of these funds were returned to the Tribe. During this same time, the Agency was requesting that the percentage of funds be increased because it was inadequate. The Tribe has requested work plans, budgets and narrative justifications for these funds as they are part of the contract, however none have been received.

Since no written plan has been available and verbally agreed to schedules have not been followed, the monitoring has been uneven and ineffective. With the exception of Higher Education, which has a formal monitoring document, the programs have never received monitoring reports or recommendations after site visits. Additionally, the Agency has never responded to monthly progress reports or indicated whether the reported activities were acceptable, questionable or not allowed. Program monitoring seldom includes field visits and has been completed in less than 15 minutes on certain occasions.

Monitoring visits are frequently made when Agency staff are in the area for other reasons and very little notice is given to the Tribal staff. Monitoring has been conducted even though the Agency staff has been informed that key staff would not be available due to previously scheduled meetings, travel or other circumstances. Monitoring has been conducted during formal BIA/Tribal meetings, even though Tribal staff had been informed it would not be, due to the importance of other issues on the agenda.

The results of these procedures have been ineffective and unacceptable. Issues which the Tribe feels should be resolved during the monitoring have repeatedly appeared as recommendations after the submission of contract applications. This has greatly delayed the contracting process, particularly the FY 88 application. Requests for information and assistance have not been acted on and Tribal procedures have been questioned because it has designed them according to programs needs in lieu of adequate BIA information. Program costs have been disallowed at contract closeout even though the monitor was consulted and informed of all program activity changes and received monthly progress reports. The Tribe received no indication that the activities were unacceptable until the final closeout.

Training and Technical Assistance has not proved effective in many instances. The FY 88 Contract Application was reviewed page by page prior to submission. The Tribe made changes, additions and altered the basic format based on the recommendations made during the T&TA, which was conducted by both the Agency and Area 638 Specialists. The result was the longest, most critical review letter ever received. Frequently, both monitoring and T&TA sessions have resulted in a list of questions which could not be answered and a promise to find the answers. These questions have rarely been answered or the Tribe has received conflicting answers from different sources. The Tribe has made formal requests for written responses, information and guidelines to no avail. The Tribe has received telephone instructions and recommendations from individuals and later been questioned on the source of the information or why things were done in certain ways. The Tribe was told, by telephone, to completely restructure the contract and use the Consolidated Tribal Government Plan. The telephone call was received in June and the effective date requested was July 1, 1987. The Tribe did not follow this request because no information was available and Agency staff did not know exactly how to implement the program.

We have provided only a few examples of the problems we have encountered. Attached is a listing of some of the documentation for FY 85. The Tribe has extensive documentation for the life of this contract (FY 84 - FY 89) which includes correspondence, legal briefs, meeting notes, telephone contact records and memos. The Tribe would be happy to provide all information the Committee requests and would welcome a full investigation of the Tribe's contractual relationship with the Bureau of Indian Affairs.

FY-85

09/06/84	Contract application submitted to agency for $139,300 ($50,000) for Law Enforcement deleted)
10/25/84	Received acknowledgment of application.
11/08/84	Received acknowledgment from Area
11/30/84	Letter to Agency authorizing Alec Garfield to sign document and act on behalf of the Tribe.
12/07/84	Letter to Area regarding phone call from Agency stating reprogramming request could not be accepted until after advice of allocations are received. Letter included application for interim contract of contractable funds.
02/26/84	Submitted request for advance.
03/20/84	Letter to Agency regarding advance.
01/02/85	Notice of application being sent to Area.
02/04/85	Letter to Agency correcting there worksheet on reprogramming.
02/22/85	Notice of BIA Site meeting 2/26/85.
02/26/84	Submitted request for advance.
03/11/85	Received signed contract for $110,700.
04/02/85	Letter from Agency regarding advance.
05/21/85	Resubmitted reprogram request (see attached letter).
05/28/85	Reprogram request resubmitted to Area by Agency
09/00/85	Received verbal approval of reprogramming.
11/05/85	Notice of appointment of J. Antonio, Housing Specialist.
12/30/85	Corrected invoice received showing all released monitoring funds being placed in comprehensive planning.
05/09/86	Received Modification #1 of FY-86 contract which included FY-85 carry overs. Only document I can find showing addition of reprogramming dollars.
05/15/86	Meeting with Bureau staff. Requested clarification of 17.5 in Comprehensive Planning, requested copies of trip reports from monitoring visits, Harold was to move motor grader and dump truck down for roads, Tribe informed staff administrative time could be charged to programs, Agency was 06/23 to assign 4 people to review entire set aside systems.

FY 85.

05/19/86	Agency called about modification - Tribe told then it could not be completed until information on 17.5 was received from them.
06/03/86	Meeting with Harold Brafford - Tribe requested clarification of 17.5 in Comprehensive Planning, equipment inventory, advances and roads.
06/09/86	Letter to Agency requesting clarification of 17.5
06/23/86	Letter from Agency giving written authorization to spend 17.5
06/30/86	Notice to Agency of staff changes including delition of TA positions.

CONGRESSIONAL TESTIMONY
April 28, 1989
Sacramento, California

BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, WASHINGTON, D.C.

Honorable Daniel K. Inoyue and Lady and Gentlemen of the Committee:

My name is Melba Jean Casares. I am a member of the Wukchumni Tribe of California. I come before you today to give Testimony in behalf of my Great Grandfather John Martin Davis SR. and my Grandmother Pearl Lousie Davis of Drum Valley, California who were direct descendents of the documented Eighteen (18) Negotiated but never Ratified Treaties of 1850-1852 between California Indians and the United States Government.

Before I start my testimony 1 want to thank you Senator Inoyue for your support in the recent passage of the Reauthorization of the Indian Health Care Improvement Act. Senate Bill 129. I also want to thank you for introducing Senate Bill 611 in order to expedite and monitor the Petitioning process for the Indian Federal Acknowledgement.

I want to now address the issue of how the United States chose to address the issue of land tenure and what rights the Indians of California had concerning the land they had lived on for past centuries. My opinion is that my people were dispossed of their land and when the United States decided to address this issue that the California Indians were unjustly compensated. An example of this is the California Law Suit that was finally settled in 1972 which only gave California Indians 47¢ per acre for their land. To this date the record shows that the United States was negligent and unresponsive to the concerns of California Indian People, especially on the land issues.

One of the most critical periods of Federal Indian Policy was the inactment of the General Allotment Act of 1887, also know as the " DAWES ACT " and its effective aftermath. This act resulted in the reduction of vast amounts of Indian Land and the breakdown of Tribal economies and cultural and social aspects of Indian Life in California. The effects of the Allotment period can still be seen today in California. Allotment detoriated the existence of Indian Tribal and individual land ownership and diminished potential of formation and implementation of tribal economic development efforts.

I feel that it remains morally incumbent on the United States as Trustee of Indian Tribes, Federally Recognized and Non-Federally Recognized to deliver on its generations - old obligations to those tribes and their individuals members. Federal-Indian Policy, and the U.S. Tribal Intergovernmental relationships, existed from the begining for the benefit of all California Indians.

I feel that the time is long over due for this nation to address itself responsibly and creatively to assure the rights of California Indians to Justice, Equity, Opportunity, and our Cultural Heritage.

In conclusion Senator Inyoue I would like to recommend that a California Health and Education Bill be introduced by a Senator of your stature and political influence in-order to protect over 70,000 disenfranchised and unrecognized California Indians that may loose all benefits in less then three (3) years when a report on California Indian Eligibility will be prepared by Indian Health Services and sent to the U.S. Congress for action. This mandate is presently in the language of the Reauthorization of the Indian Health Care Improvement Act.

We have suffered enough in California at the hands of the U.S. Congress. We want to be assured that the health and welfare of our people, especially that of our Children and Elders to be respected, guaranteed and protected through a California Health and Education Bill.

I want to thank you and the committee for all you have already accomplish and done for American Indians and Alaska Natives. I wish you Senator Inoyue a long life, and good health and continued sucess in your political career because when you win; Indian People will also win.

Respectfully Submitted:

Melba Jean Casares

Melba Jean Casares
Wukchumni California Indian

(22)

Grey Eagle and Associates

2417 Front St., West Sacramento, CA 95691 Tel.: (916) 373-0261 FAX 373-0358

April 20, 1989

Honorable Senator Daniel Inouye, Chairman
Senate Committee on Indian Affairs
Attn: Elva Arqueo, Chief Clerk
838 Hart Building
Washington, D.C. 20510

RE: Request To Testify At Hearings To Be Held On April 28, 1989 In Sacramento, CA
At The General Session

Dear Senator Inouye:

GreyEagle and Associates, Inc. (GreyEagle) is an American Indian owned company located in West Sacramento, California. GreyEagle provides management services and technical assistance to businesses owned or potentially owned by American Indian tribes and individuals. In addition, GreyEagle provides (dba Excel Surety Group) bid, performance and payment surety bonds to small, minority and women owned businesses. Surety bonds and financing are the two most critical needs and issues confronting construction companies owned by American Indians, small, other minorities and women.

However, this letter concerns certain issues affecting American Indian tribes and individuals in California. GreyEagle has contracts/agreements with Greenville Rancheria, a small tribe that recently regained federal recognition (A Tillie Hardwick Tribe). As you are probably aware, when the "Tillie Tribes" were terminated they lost most, if not all, of their land base.

Additionally, I have conversed recently with Darlene Cummins, Chairperson of the Mooretown Rancheria, also a "Tillie Tribe", and she expressed an interest in participating individually or through GreyEagle at the upcomming hearings referred to above.

GreyEagle is requesting to be scheduled as a participant to testify and the issues to be addressed are as follows:

1. Greenville Rancheria (possibly other "Tillie Tribes") on the effect of restoration of tribal status and problems as a result of several years of termination.

2. American Indian tribes and individuals' economic development potential existing businesses.

Thank you for your attention to this request and for your support in allowing GreyEagle to provide testimony.

Respectfully,

Walter T. Hare, Jr.
President

cc: Greenville Rancheria
Mooretown Rancheria

TESTIMONY

BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

FIELD HEARING ON ISSUES OF CONCERN
TO CENTRAL AND NORTHERN CALIFORNIA INDIAN TRIBES

APRIL 28, 1989

PREPARED BY [redacted], JR.
AND ADELLE SANDERS
ON BEHALF OF

THE GREENVILLE RANCHERIA AND
AMERICAN INDIAN OWNED BUSINESSES

Mr. Chairman, I appreciate the opportunity to appear before you and present testimony.

My name is Walter Hare, Jr. I am an enrolled member of the Yankton Sioux Tribe. I am President and owner of GreyEagle and Associates, Inc. (GreyEagle). GreyEagle (dba EXCEL SURETY GROUP - SAC) provides bid, performance and payment surety bonds to small, minority and women owned construction companies. Surety bonding and financing are the two most critical needs and issues confronting construction companies owned by American Indians. In addition, Grey Eagle provides management services and technical assistance to American Indian tribes and individuals, specifically business and economic development. I formerly was Executive Vice President of United Indian Development Association (UIDA) now known as the National Center for American Indian Enterprise Development. At UIDA, I managed the five regional offices, three in California and two in Arizona.

GreyEagle has provided substantial services to the successful appropriation of $30 million for RR Clark, Inc/Denver Teleport, a Native Alaskan owned business and Excel Surety Group -- Sac has provided nearly $10 million in surety bonds since August, 1988 and clients are negotiating or have set asides for an additional $24 million that is yet to be awarded and bonded. GreyEagle and Excel Surety Group are young companies (August 1988) and our bonding services area includes Northern California, Washington and Oregon.

Furthermore, I am President-Chief Financial Officer of Siouxland Services, Inc., a public service (natural gas and electrical Co-Gen) company to be located on the Pine Ridge Indian Reservation in South Dakota. Siouxland can lower the heating costs of Reservation residents from about $17.00 per thousand cubic foot to around $6.00 per thousand and lower the cost of electricity from about 11¢ per kilowatt hour to 6-8¢ per kilowatt hour. As you can see, the savings are substantial for low income individuals on the Reservation.

I am also Vice President of Tecumseh Construction Company, an 8(a) Certified American Indian owned general construction company. Ben Shawneego, President, is an American Indian of Creek and Shawnee Tribal descent, is the owner. Tecumseh hires and employs a substantial amount of American Indians on and off Reservations in Nevada, California and Arizona. Tecumseh is available as project manager/owner representative and construction services for American Indian Tribes and Reservation based projects for the benefit of American Indians. Tecumseh has training programs used by a major public service company and Ben was director of training for Pacific Gas and Electric and Tecumseh is and will train American Indians on projects on or off reservations.

GreyEagle would like to testify on the following issues:

1. Greenville Rancheria, a small California Tribe of Maidu Indians that was previously terminated and recently the Tribe was restored to federal recognition. The Maidu Tribe of the Greenville, California Rancheria lost its entire land base (the situation is the same for several tribes in California and the U.S.).
2. American Indian tribes and individuals' economic development potential and problems. (See Exhibit 1/Bush-Quayle Policy Statement)

Old Greenville Rancheria was located in Plumas County, California. The Tribe has no land base, but has excellent development opportunities and is located near a major railroad and highway suitable (formerly travelled by trucks hauling timber and lumber) for heavy loads. The area has suffered major unemployment problems due to downturns in the logging industry and has an abundance of labor, plant and equipment available.

Greenville Rancheria does not have a BIA approved constitution although drafts have been sent to the BIA for approval. The BIA has taken several months to review drafts and offered very little technical assitance to the Tribe for developing an acceptable constitution. Meanwhile business has been carried on by Percy Tejada, Chairman, Mary Haff, Vice Chairperson and Ron Carmelo, Secretary Treasurer.

For additional background information I have included excerpts from an Indian Self-Determination Act Program (Exhibit 2) and from a CDBG Application (Exhibit 3). The CDBG application was not funded.

Recent conversations with Ron Carmelo identified the following other concerns (not included in Exhibits #2 and 3) of the Tribe:

1. Money to provide housing for Tribal members.
2. Problems with federal funds appropriated for Indian Tribes and not equably distributed where the tribes have considerable needs and problems.
3. More money for Health: Greenville is in the process of acquiring a P.L. 93-638 contract for health services. Currently, health services were being provided by Northern Valley Indian Health whose service area included 8 tribes in 8 counties (see Exhibit 4).
4. Indian Child Welfare -- what happened to the ICWA money that funded the Southern California Indian Centers ICWA Program and why did so much money go to an Urban Indian Center. The Tribe wants ICWA money to be administered by the Tribe to benefit their Tribal members.

GreyEagle is currently working with the Tribe and has two major economic development projects identified and substantial dialogue with the intent of locating two major manufacturing facilities on or near the original Rancheria. The projects were introduced to GreyEagle by Barry "Bear" Hudson and both projects could develop employment and provide products valuable to the Rancheria, other Indian tribes and the general market in the U.S. and abroad.

The first project involves the manufacture of individual housing units and/or apartment complexes with existing designs and expertise willing to relocate to Greenville and train Tribal members and local residents for the benefit of the Rancheria. This project could be started at very little cost with a contract for a 40 unit apartment complex (10 structures) ready to be built. The initial project could be built onsite and provide instant marketing and exposure/advertising. The result would be building or locating a plant on or near the Rancheria.

The second project is the manufacture of waste water/sewage treatment plants that replace the old septic system and provides for better environmental benefits and allow housing to be built either in areas that were previously impossible to build on due to poor soil conditions and/or absence of sewage systems. The waste water/sewage systems will be built above groud and require only minimal periodic servicing. Add on systems can be installed/built (tertiary systems) that would process waste water to near potable water. Normal septic systems may be outlawed in the near future and the systems being considered by the Greenville Rancheria has tremendous market potential and several groups are considering the project (currently only Greenville is being considered by the persons with the technology). Mr. Alan Thompkins has substantial experience with aerospace companies and applications for high tech is the principal resource person. Mr. Thompkins' knowledge of the waste water/sewage treatment systems includes the design of facilities, the actual manufacturing and application/market potential. The project can benefit isolated locations, major subdivision, and a large market would be on Islands such as Hawaii, Fuji, Japan, etc. Can you imagine the benefits of acceptable wastewater over raw sewage or septic systems that merely add contaminated fluid/solids to the environment.

Before I leave Greenville, I would like to reiterate the problems facing Greenville Rancheria as it struggles to develop after being faced by years of termination. The Tribe desperately needs to acquire a land base for Tribal members and economic/business development. GreyEagle and/or the Tribe has located at least three parcels of land available for sale (160+ acres, 160+ acres, and 22 acres). GreyEagle attempted to purchase a parcel of land and a multi-purpose building through a CDBG grant application which was denied. The Tribe, previously, attempted to restore federally controlled lands for a Tribal land base. Also unsuccessful. "Bear" Hudson, Alan Thompkins and the Tribe will be touring the area on Tuesday, May 2, 1989, to identify land and/or buildings to be used for the above mentioned economic development. Several old timber/lumber mills exist in Plumas County within 32 miles of the original Rancheria.

In addition, a building suitable for the Tribe exists adjacent to the old Rancheria. The building was built using EDA grant funds by a local non-profit, Plumas County Indians, and currently sitting unused. The Tribe has made numerous requests to Regional and D.C. offices to find out the status of the building. Members/officers of the Plumas County Indians have been sent letters and the Tribe has not received replys. GreyEagle has called to verify the standing of Plumas County Indians and "at that time" the group was not in good standing. GreyEagle also called the Agency, John McNamee -- Washington, D.C. (202) 377-4731, and we were told it would take 6 months or more to even find out anything about the building. The structure could substantially benefit the Tribe and it is located adjacent to the old Rancheria buildings.

The Greenville Rancheria needs to have an approved contitution. GreyEagle has a contract to work on the constitution, but due to delays and a lost check (P.L. 93-638/BIA funds) we have been unable to commit time. GreyEagle's cash flow will soon be sufficient to commit substantial efforts on a cost reimbursement basis.

The second major issue involves the economic/business development potential and existing businesses of American Indian tribes and individuals. Congress has recently passed amendments and new legislation, in addition, to existing legislation (i.e. P.L. 93-638 and Buy Indian Act) that benefit American Indians, specifically, or as minority business enterprises (MBE/SDB). There is no intent on my part to downplay the significance and need for business opportunities for American Indian tribes and manufacturing businesses. However, there exists a whole set of businesses (all lines of business/industry/SIC codes) that is not mentioned in most of the most current legislation. That group of business is the Individually owned entrepreneurs that do contribute to local economies and human development/capital. As Vice-President of Tecumseh Construction Company and provider of bid, performance and payment bonds, my focus is on construction but that does not discount the numerous supply, retail, manufacturing, wholesale, etc. companies owned by individual American Indians.

Tribes and not individuals generally possess the resources or have the ability to "muster" the resources (plant, capital and equipment) to develop manufacturing facilities. Individuals on the other hand must turn to other lines of business as entreprenuers, specifically construction. Construction companies provide substantial employment opportunities and develop human capital at higher skill levels than manufacturing. Most manufacturing jobs require low skill levels and involve menial repetitive skill levels. Although manufacturing provides employment that requires skilled persons, you should look at where the skill is obtained. Most skilled jobs such as maintenance, electricans, plumbers/steamfitters, HVAC, steelworkers and even mechanics acquired their skills on construction jobs with differing sites/locations, conditions, and experiences. These well rounded encounters of problems, solutions, plans and specifications and new construction allows the skilled maintenance person the knowledge to trouble shoot manufacturing problems based on numerous construction/renovation experiences.

Furthermore, individual entreprenuers are not affored equitable SBA 8(a) opportunities even though they have the potential to contribute. Individuals that possess substantial experience, expertise and management abilities can influence the overwhelming social and economic problems prevalent in Indian Country. Their expertise crosses all lines of business and they should be included in the regulations so they too can contribute to the capital development and economies of Indian Country.

In addition, several federal projects that benefit American Indians exist on or near reservations where qualified 8(a) and non 8(a) construction companies do not exist, on the other hand, qualified American Indian companies exist in other SBA districts/regions. Due to regulations in the Buy Indian Act and Indian Self-Determination's Indian Preference rules, this work applies to Indian owned companies. However, the "local buy" provisions of MSB/COD restrict qualified American Indian owned companies from negotiating 8(a) set asides for projects on or near Indian Reservations and in most instances involve dollars appropriated by federal agencies for American Indians. American Indian construction companies should be exempt from local Buy and eligible for National Buy on projects that benefit American Indians.

Projects, no matter what agencies provide funding, that benefit American Indians on or near the Reservation should be first advertised Buy Indian and if no response, they should be Indian preferance subcontractor/employment provisions.

As a case in point, Tecumseh Construction, Shawnee Company and Arrowhead Sand, Inc. were considering a project on the Lower Elwha Klallam Reservation in Port Angeles, Washington. This project involved the U.S. Army Corp of Engineers and a River Levee project. the project could have been 8(a) set aside and/or set aside under the Buy Indian Act for American Indian owned companies, but it was not and we contacted the Army Corp of Engineers for their consideration.

The Small Business Administration and the U.S. Department of Defense signed a memorandum of understanding in 1983 (SBA/DOD MOU) that provided for increased participation of American Indians in defense contracting. Large Defense Prime contractors, DOD SADBU, DOD contract officers and SBA need to be educated and re-educated about the MOU and enforecement provisions are needed.

The SBA/DOD MOU's intent clearly defines American Indians doing business with the DOD. Althought more than 80 firms have been identified as becoming 8(a) certified, how many of the Indian firms are construction companies, how many are located on reservations and how many are tribally owned? These questions are very important and deserve consideration in any final rules (13 CFR Par 124) and the implementation of the American Indian rules and the SBA/DOD MOU.

The whole defense contracting industry has dropped the provisions of P.L. 99-661 Section 1207 (5% SDB) because of the Small Business Competitive Demostration Program (P.L. 100-656, Title VII). Proposed rules for potential revisions to DFAAS Parts 204, 219, and 252 published in the Federal Register/Vol. 54, No. 17/Friday, January 27, 1989, declared that solicitations restricted to small businesses would no longer be advertised. However, GreyEagle's research has [illegible] identified in 48 CFR par 219.1070(a) "...However, acquisition in the designated industry groups shall continue to be considered for placement under the 8(a) program (see FAR Subpart 19.8) and for Small Disadvantaged business set asides (see DFARS 219.502-72).

The question is, why are contract officers and SADBUS not restricting solicitations pursuant to P.L. 99-661 Section 1207 SDB set asides when the provisions and implementation regulations of P.L. 100-656 and P.L. 99-661 established that they do so when two or more SDB's (American Indian, etc.) are qualified and express an interest to do so. In addition, the 10% bid preference on DOD contracts needs to be enforced and lanuguage included in all bid specifications.

Are final rules and any performance reports available on both P.L. 99-661 Section 1207 and P.L. 100-656 available? If so, could GreyEagle receive copies of any reports and/or final rules.

Thank you for this opportunity to speak and/or write on behalf of Greenville Rancheria and American Indian Companies owned by tribes and individuals. Your time and efforts are appreceiated and keep up the good work!

EXHIBIT 1

BUSH/QUALYE POLICY STATEMENT

Bush 88 Quayle

GEORGE BUSH ON NATIVE AMERICANS

Self-determination and Individual Rights

George Bush believes in American Indian self-government and will respect and honor all treaties, laws and court decisions which establish the unique political status for American Indians.

George Bush will emphasize the individual rights and economic well-being of Native Americans on or off the reservation. A Bush Administration's emphasis on individual rights and freedoms would recognize corresponding responsibilities of tribal governments to their members.

Treaty Issues

Many tribes have legitimate claims against states and the federal government. The claims--whether for money damages, water rights, land claims, or jurisdictional authority--need to be settled. Tribes should not be forced to litigate where the evidence is clear that rights exist. George Bush will ask Congress for its cooperation in reaching the settlement of all just claims as rapidly as possible.

Economic Development

George Bush will develop sound reservation economies. He will work with tribal governments to establish a positive business climate and encourage a partnership between tribal governments and the private sector. He will also explore new polices such as offering federal incentives to businesses which locate on Indian reservations.

* A cornerstone to strengthening reservation economies is the ability to access working capital. A George Bush Administration will develop a financial structure that is accessible to tribal governments, Indian businesses and individual Indian entrepreneurs for the purpose of reservation development.

George Bush believes in providing tribal governments a greater voice in the management of their natural resources. He will ensure that tribal rights to such resources are protected and that tribes receive a fair market return as these resources are developed.

Education

For George Bush, education is a number one priority. Statistics show that many Native American students are performing at the lowest levels of all students tested. This is not an indictment of Native American students, but rather of the complex educational system that exists in Indian country. It is possible that four different school systems (public, private, BIA, and Tribal) can exist on one reservation.

George Bush will help native American parents take charge of the educational system on the reservation just as parents do elsewhere. Financial resources should be directed to create an effective school system controlled at the local level by local parent groups and elected school boards. We should provide whatever financial resources are necessary to have an effective school system on the reservations, but Washington should not be trying to manage the system.

George Bush will expand Head Start, an extremely successful early childhood program. Funding would be phased in so that all eligible four year-olds could enroll. Support for a quality education for Native Americans by a Bush Administration will extend to elementary and secondary levels, through college level studies, including Indian-controlled Junior Colleges.

Quality of Life

George Bush will work with tribal governments to improve reservation conditions and will ensure equitable participation by Native Americans in federal programs in health, housing, job training and education.

A Bush Administration will work for progress in providing the most cost-effective, high-quality health care. We will ensure that health care is open to all. There will be particular targeting of the programs to help mothers, lower infant mortality, and ensure that infants get a good start in life. Efforts will be made to provide adequate drug and alcohol treatment services.

George Bush will work to achieve strong economic autonomy for Native Americans and to improve the quality of life for all Native Americans.

GEORGE BUSH

October 30, 1988

Dear Indian Leader:

I write to reaffirm my personal commitment to Native Americans. I hope, as President of the United States of America, to work with you and other tribal leaders in the future to provide the necessary tools to fuel success among all Native Americans.

It is important to me that you know my basic beliefs. First of all, I believe strongly in the continuance of the legacy of President Abraham Lincoln, who fully recognized the importance of Indian sovereignty in a nation of sovereign states.

The Republican Party's position most recently stated in the 1988 Party Platform is as follows: "We support self-determination for Indian Tribes in managing their own affairs and resources. Recognizing the government-to-government trust responsibility, we will work to end dependency fostered by federal controls." For these reasons, a Bush administration will respect and honor all treaties, laws and court decisions which support American Indian self-government.

I also believe in the importance of consultation with tribal leaders. Any Native American policy and program decisions will be made in concert with the ideas and input of the people they affect -- the Native Americans.

Among my priorities as President will be improving the quality of Indian education. One of the best ways to strengthen self-determination is through education. Financial resources should be directed to create an effective, quality school system controlled at the local level.

In order to strengthen reservation economies, my administration will work with tribal governments to establish a positive business climate and will encourage a partnership between tribal governments and the private sector.

I ask for your support in this election, and pledge my commitment to a Bush-Quayle Administration effort that will help you where you need it most -- producing a strong economy which fosters improved quality of life for all Native Americans.

Sincerely,

G Bush

George Bush

PAID FOR BY BUSH-QUAYLE '88
733 15TH STREET, N.W. WASHINGTON, D.C. 20005

EXHIBIT 2

EXCERPTS FROM 93-638 GRANT

GREENVILLE RANCHERIA

BACKGROUND:

The Greenville Indian Rancheria, throughout its most recent history, has experienced an extended period of "terminated status", thereby, experiencing the extreme consequences that this status inflicts upon the Tribe as a whole and its members in particular.

During this period of "terminated status", federal recognition of our tribal government was suspended and our ability to function as a Rancheria government was circumvented. In December 1983, a Supreme Court Judge ruled in Tillie Hardwick v. the United States that:

> The Secretary of the Interior shall recognized the Indian Tribes, bands, communities, or groups of the seventeen Rancherias listed in paragraph 1 (of which Greenville Rancheria is one) as Indian entities with the same status as they possessed ~~prior to~~ distribution of the assets of these Rancherias under the California Rancheria act, and said tribes, bands, communities and groups shall be included on the Bureau of Indian Affairs Federal Register list of recognized tribal entities pursuant to 25 CFR, Section 83.6 (b). Said tribes, bands, communities or groups of Indians shall be relieved from the application of Section 11 of the California Rancheria Act and shall be deemed entitled to any of the benefits or services provided or performed by the United States for Indian tribes, bands, communities, or groups because of their status as Indian tribes, bands, communities or groups.

Subsequent to this 1983 court ruling, the Greenville Rancheria has been working with the Bureau of Indian Affairs, Central California Agency, to develop a tribal constitution and bylaws. Presently, the Bureau is assisting the Rancheria with the organization of a special "secretarial election" for purposes of adopting the Tribe's governing documents.

NEED:

As the direct result of termination and the non-existance of a tribal governmental structure, the people of the Greenville Rancheria are experiencing many negative socio-economic conditions. Extremely high rates of unemployment exist and poverty is prevalently found among our tribal members. Additionally, the Rancheria is without housing, infrastructure, or community services.

Over the past two and one half years, the Rancheria has acquired the funding support from the Bureau of Indian Affairs to establish and develop a viable tribal government. Within the last 18 months, significant progress has been made. The elected tribal council meets monthly, a full-time tribal office is operating, the general membership has approved the tribal constitution and passed the tribal membership and election ordinances. At a meeting on January 16, 1988, the General Membership formally established tribal priorities for the next three years. These priorities are as follows:

a. To conduct a Secretarial Election, ratify the constitution, and to establish the Rancheria as both federal recognized and fully operational.
b. To formalize the rancheria membership in accordance with the constitution.
c. To place in trust available land located on or near the original rancheria.
d. To identify and prepare a written plan to acquire a necessary tribal land base in the Greenville area for the benefit of tribal members.
e. To secure funding and resource support for the tribal government from Indian Health Services.
f. To secure necessary continuation funding from the BIA to complete fully the implementation of the tribal government,

At subsequent meetings, the Tribe has added economic development to be included with these priorities and the following potential projects have been suggested:

1. campgroud
    a. mini-market
    b. trading post

    - c. video arcade
    - d. teen center
    - e. nature camp
2. hot springs
3. farm/nursery
    - a. Christmas tree farm
    - b. fish farm
    - c. hothouse
4. mobile home park
5. gaming (Bingo)
6. industrial park
7. convalescence home

Further, through the Tribe's own conduction of daily business, a community need has been discovered which could generate immediate income for the Tribe. Greenville does not have a print shop nor a fax service. The nearest print shop is 40 miles round trip and the nearest fax service is 60 miles round trip from Greenville. If the Tribe had a fax machine and a good copy machine, it could provide this service to the community on a fee for service basis and generate revenues for operating expenses to be used for salaries or other office needs.

AUTHORITY:

This is an Indian Self-Determination Act Program under the prescriptions of P.L. 93-638, Indian Self-Determination Act.

PURPOSE:

The purpose of this grant is to enable the Tribe to further develop the tribal government of the Greenville Rancheria and to facilitate the tribal government in acquiring the necessary resources to meet the socio-economic needs of all tribal members, thereby, becoming self-sufficient.

GOALS:

1. To continue Tribal government operations.
2. To acquire land base.
3. To secure Indian Health Services contract.
4. To select economic development options.
5. To provide one economic development activity.

OBJECTIVES:

1.1 Provide ongoing Tribal office operations to assist Tribal members with problems.
1.2 Maintain Tribal operations to continue the development of the Tribe initiated in 1988..
2.1 Work with consultant to explore the purchase requirements and development needs of two parcels of land near the Rancheria.

(Objectives continued)

2.2 Work with consultant to develop proposal to HUD for land acquisition funds, infrastructure development, and housing.
2.3 Work with consultant to develop land use plans.
3.1 Work with consultant to facilitate the acquisition of an Indian Health Services contract.
3.2 Secure Indian Health Services contract.
4.1 Work with consultant to acquire funding to conduct economic development planning.
5.1 Purchase fax machine and copier.
5.2 Offer fax and copying services to businesses and citizens in Greenville on a fee for service basis.

EXHIBIT 3

EXCERPTS FROM CDBG APPLICATION

MAIDU TRIBE
GREENVILLE RANCHERIA
BOX 237
GREENVILLE, CA 95947
(916) 284-6446

February 24, 1989

Robert Barth, Program Manager
Office of Indian Programs
U.S. Department of Housing and Urban Development
450 Golden Gate Avenue, Room 7425
San Francisco, CA 94102-3448

RE: 1989 Indian CDBG

Dear Mr. Barth:

Enclosed is the original and two copies of the proposal being submitted by Greenville Rancheria for consideration under the Indian Community Development Block Grant Program.

Should you require further information or have additional questions, feel free to call me or Ron Carmello at (916) 284-6446.

Sincerely,

Percy Tejada

Percy Tejada,
Chairman

MAIDU TRIBE
GREENVILLE RANCHERIA
BOX 237
GREENVILLE, CA 95947
(916) 284-6446

RESOLUTION NO. 1-02-21-89

WHEREAS: The Greenville Rancheria has submitted an application for a grant to fund certain eligible Indian Community Development Block Grant program activities and in connection with such application resolves and makes certain assurances regarding certification of citizen participation in the planning and development of its 1989 Housing and Urban Development, Community Development Block Grant application; and

WHEREAS: the Tribe elects to submit demographic data that is unpublished and not generally available in order to meet the requirements of the application process; and

WHEREAS: the Tribe wishes to make a Tribal contribution to the total project cost.

NOW THEREFORE BE IT RESOLVED THAT: Prior to the submission of its application, the governing body of the applicant has:

Provided Tribal citizens, especially those living in areas where activities are proposed or ongoing, with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be assisted, and other important program requirements, and solicited their views and participation.

Followed traditional Tribal means of citizen involvement that included holding at least one adequately publicized meeting of the Tribal Council, at a time and location convenient to Tribal citizens, which proposed community development and housing activities, assist in the selection of priorities, and otherwise participate in the development of the application.

Considered any comments or views expressed by Tribal members and has modified the application accordingly.

Made the modified application available to Tribal members for review and comments; and

BE IT FURTHER RESOLVED IN ACCORDANCE WITH 24 CFR 571.300(c) THAT:

1. Generally available, published data is substantially inaccurate or incomplete,

Page -2-
RESOLUTION NO. 1-02-21-89
RE: CDBG FUNDING

2. the data porvided has been collected systematically,

3. data is, to the greatest extend feasible, independently verifiable, and

4. data differentiates between reservation and Bureau of Indian Affairs (BIA) service area populations; and

BE IT FURTHER RESOLVED THAT: the Tribe commits $6,00 toward the total project cost (excluding program administration) of its 1989 Community Development Block Grant application.

CERTIFICATION

The Tribal Council of the Greenville Rancheria does hereby certify that a SPECIAL meeting duly called and convened on 02-21-89 where a quorum was present, this action was duly approved by a vote of 3 for, 0 against, and 0 abstaining.

Percy Tejada, Chairman

2/21/89
Date

ATTEST: Ronald Carmelo

02-21-1989
Date

Application For
Community Development
Block Grants for Indian Tribes
and Alaskan Native Villages

U.S. Department of Housing
and Urban Development
Community Planning
and Development

Needs Description

OMB No. 2506-0043 (Exp. 10-31-87)

General Instructions: All applicants for funds from the Indian CDBG Program must submit this form accompanied by Standard Form 424, Project Summary (HUD-4122), Cost Summary (HUD-4123), maps and certification of citizen participation in the form of a tribal resolution. Information submitted on these forms will be used to rate and rank applicant's projects to determine funding. For instructions in filling out SF 424, refer to the form itself. All projects included in the application should be noted in item 7 of SF 424.

1. Name of Applicant (as shown in Item 4, Standard Form 424)
Greenville Rancheria

2. Application/Grant Number (To be assigned by HUD upon submission)

3. Name of Project (Use separate sheet for each project)
Greenville Rancheria/Land Acquisition and Community Building

4. ☒ Original (check here if this is first submission to HUD) Date 2/24/89
☐ Amendment (check here if submitted after grant award) Date

5. **Community Development Needs.** Briefly describe the need which this project addresses. Be specific and quantify need if possible. Since extent of need will be considered when project is rated, address specific points in your Field Office's rating system which consider need. If need involves serious threat to health and safety, provide evidence to substantiate threat. The type of information that is needed includes the specific problem the project will address, how long problem has existed, what other solutions have been considered, what negative effects will result if problem is not resolved in near future, how proposed project fits overall plan of village/tribe, priority of this project over other projects for which funding is requested. Additional pages may be attached.

The Greenvile Indian Rancheria, throughout its most recent history, has experienced an extended period of "terminated status", thereby, experiencing the extreme consequences that this status inflicts upon the Tribe, as a whole, and its members, in particular.

During this period of "terminated status", federal recognition of our tribal government was suspended and our ability to function as a Rancheria government was circumvented. In December 1983, a Supreme Court Judge ruled in Tillie Hardwick v. the United States that:

> The Secretary of the interior shall recognize the Indian Tribes, in paragraph I [of which Greenville Rancheria is one] as Indian entities with the same status as they possessed prior to distribution of assets of these Rancherias under the California Rancheria Act, and said tribes, bands, communities and groups shall be included on the Bureau of Indian Affairs Federal Register list of recognized tribal entities pursuant 25 CFR, Section 83.6 (b). Said tribes, bands, communities or groups of Indians shall be relieved from the application of Section II of the California Rancheria Act and shall be deemed entitled to any of the benefits or services provided or performed by the United States for Indian tribes, bands, communities

☒ Check here if additional page(s) attached.

6. **Demographic Data.** Submission of demographic data, including source, is optional. Applicant's submitting unpublished or generally unavailable data must certify that data are inaccurate or incomplete, have been collected systematically; are independently verifiable; and differentiate between reservation and BIA Service Area populations.

	Reservation/Village	BIA Service Area	Data Source
Number of Persons With Income Below Poverty Level	37		Tribal Survey (incomplete;based on 52 households surveyed.
Percentage of Persons With Income Below Poverty Level	92.5 %	%	Tribal Survey (40 persons are represented in surveys returned)
Number of Persons Unemployed	19		Tribal survey (28 persons capable of working responded to survey)
Percentage of Persons Unemployed	67.9 %	%	Tribal survey(based on the number of surveys returned)
Total Population	40		Tribe has a potential membership of 350; 65 currently register members

> or groups because of their status as Indian tribes, bands, communities or groups.

Subsequent to this 1983 court ruling, the Greenville Rancheria has been working with the Bureau of Indian Affairs, Central California Agency, to develop a tribal constitution and bylaws. Presently, the Bureau is assisting the Rancheria with the organization of a special "secretarial election" for purposes of adopting the Tribe's governing documents.

Further, the Tribe has received P.L. 93-638 funds to provide a centralized government and a tribal office with administrative and support staff located in the city of Greenville. In addition, Tribal community planning has been initiated with P.L. 93-638 funds. With Bureau approval, the Tribe will be providing a Copying and Fax Service, on a fee for service basis, to the city of Greenville. This would be the Tribe's first economic development project. The Tribe will be providing a missing service to this small city and generating income, too. Currently, the closest print shop is a 40 mile round trip and the closest fax service is a 60 mile round trip. Income generated from this venture will go into the Tribe's general operating budget to support other needed projects.

Currently, the Tribe is a non-land based Tribe. In Tribal community planning meetings, members have prioritized land acquisition, a community building, housing, economic development, and health care services as essential to achieving the Tribe's long term goal of economic and social self-sufficiency. As the direct result of termination and the process of establishing and refining a tribal governmental structure, the people of Greenville Rancheria are experiencing many negative socio-economic conditions. For example, extremely high rates of unemployment exist and poverty is prevalent among the tribal members of Greenville. The Tribe feels strongly that these problems should be remediated. The Tribe wishes to build a self-sufficient community for its members, but, of course, this takes many years and careful planning. Recognizing this, the Tribe has initiated Tribal planning and is working with GreyEagle and Associates, Inc., an American Indian owned consulting firm, to develop a Comprehensive Community Plan which will address all areas needed for healthy living, including a land base, economic development and job creation, education and job training, housing, community building, infrastructure, health care provision, child care, social services, etc. This plan will be a three to five year plan that the Tribe will use to guide its growth and development towards economic and social self-sufficiency.

Recognizing the affects of the absence of a land base and a home base, the Tribe has made this its first priority. Community services are not accessible to Tribal members because of the great distances they must travel to secure assistance. The Tribe needs a centralized source for the provision of social services. A community building would provide this. In addition, the Tribe is planning to take over the management of the health care services in this area. The initial planning and systems development are in progress. Once the Tribe acquires these services, it will need a facility for the delivery of services. Further, the Tribe, having no current land base, is exploring several pacels of land sufficient for a community building and housing development, as well as for economic development purposes.

Greenville Rancheria is located within Plumas County, California. Plumas County, consisting of 2,618 square miles, is mountainous and rugged. The climate in the higher elevations is harsh. During the winter months, the highways and roads are frequently impassible due to ice, snow, rock, and mud slides. Three principle highways serve the area (Highway 70, 89 and 36); however, most of the Indian population in Plumas County live near major State or County roads, as does most of the Tribal members of Greenville Rancheria. Further, there are few areas of concentrated population and most of the families and individuals, including Rancheria members, are widely scattered througout the service area.

The original Greenville Rancheria was located within the city of Greenville, which is the largest community in Plumas County (population 2,000 permanent residents). New land for the Tribe will be acquired adjacent to or near the original Rancheria. Consequently, the Tribe has located its administrative office in Greenville.

The economy of Greenville, all Plumas County as a whole, relies on a failing lumber/timber industry. Cattle ranching and Christmas trees also contribute to the local economy. In addition, Greenville has a wide range of small businesses, a modern hospital, doctors, dentists, schools (primary, elementary, and high schools), a library, a sheriff's sub-station, United States Forrest Service District Office, judicial court, a volunteer fire department, and a number of churches and clubs/ organizations. However, social services are located in the County seat, Quincy, which is a 20 mile round trip for Tribal members living in Greenville and often further for many Tribal members. Facilities of higher learning are even further away -- 40 to 300 miles round trip. To complicate accessibility to services, there is no public transportation. There is, however, Greyhound and Mt. Lassen Transit services, which provide an overnight delivery to Sacramento, San Francisco, Oakland, and Reno. Lack of transportation compounds service accessibility, as Tribal members have to rely on their own transportation to service centers many miles away. Consequently, many members go without much needed social and health care services.

Infrastructures such as water, sewer, electric, telephone service and roads are provided in the City of Greenville. The three parcels of land that the Tribe is considering for acquisition all have existing infrastructure on or near.

DEMOGRAPHIC INFORMATION

There are 1,156 Indians in Plumas County per the 1980 Census data. However, Greenville's Rancheria is widespread throughout the State of California, with a significant number being close to the Greenville area. The Tribe is in the process of updating Tribal enrollment. It has a potential membership of 350 persons; however, only 65 members are now enrolled. The Tribe is working on a demographic survey of its members. It has mailed out 52 surveys -- 19 were returned. These 19 surveys represent 19 households consisting of 40 persons. Of the 19 households responding to the survey, 17 or 89.5% of the households are low to moderate income. There are at least 20 other members who have not responded to the survey that are known to be low to moderate income as they are on fixed incomes.

Community Development
Block Grants for Indian Tribes
and Alaskan Native Villages

U.S. Department of Housing
and Urban Development
Community Planning
and Development

Project Summary

OMB No. 2506-0043 (Exp. 10-31-87)

Note: Items 1 through 4 on this form should be the same as form HUD-4121

1. Name of Applicant (As shown in Item 4, Standard Form 424) Greenville Rancheria	2. Application/Grant No. (To be assigned by HUD upon submission)	
3. Name of Project (Use separate form for each project) Greenville Rancheria/Land Acquisition and Community Building	4. ☒ Original (Check here if this is first submission to HUD) ☐ Amendment (check here if submitted after grant award)	Date 2/24/89

5. Description of Project. Briefly describe the proposed project including method of implementation and intended accomplishments. Information provided should be sufficient for HUD to rate the project on its impact on the community development need and on its quality. In describing your project, pay close attention to the instructions in your Field Office's rating system and address all the appropriate rating factors. The following type of information is suggestive of what is needed but may not be applicable to all projects. Indicate the specific project, its size (square feet, linear feet, volume, number, etc.), to what degree it solves the problem identified in the Needs Description, length of time needed for completion, location of facility in reference to population served (map must be provided). Indicate whether the project will aid more than one Tribe/municipal government, how project will be carried out (tribal force account, third party contract, tribal based non-profit corporation, local development corporation, etc.), what funds will be required from other sources and current status of funds. Also indicate how many jobs will be generated by the project. If a facility is proposed, indicate whether project provides new facility or improves an inadequate facility, how it relates to other tribal and non-tribal facilities, what services are provided and at what cost. If for housing rehabilitation, indicate what degree of rehabilitation is being done and how units were selected. If economic development is proposed, indicate what rate of return is expected, source of market and source of labor. Indicate other elements which enhance the quality of the proposed project. If funds are requested for planning and/or technical assistance, a separate project summary must be completed describing the proposed use of these funds. Additional pages may be attached.

PROPOSED PROJECT

Greenville Rancheria's proposed project is a community building with land acqusition. The total cost of the project will be $454,000. The Tribe has requested $425,000 from the U.S. Department of Housing and Urban Development under the Indian Community Development Block Grant Program. The balance will be contributed through other resources or from the Tribe.

DESCRIPTION OF FACILITIES

The community building that Greenville Rancheria proposes to construct is a 4,000 square foot structure. It will contain eight (8) offices and a large meeting room.

DESCRIPTION OF LAND

Since Greenville Rancheria is currently a non-land based Tribe, the direct result of termination, land will need to be acquired in order to construct the building. The Tribe is investigating land which will facilitate its long term development -- community building, housing, economic development (Among projects being explored are a cogeneration plant, a fish farm, a resort/spa, and farming/ranching.), recreational use for the members and their children (park area, baseball field, etc.), and a health clinic.

With our long range development plans in mind, we have found three parcels adjacent to or near the original rancheria suitable for our development.

☒ Check here if additional page(s) attached.

6. Low/Moderate Benefit Low and moderate income persons are defined as persons whose incomes are 80% or less of median income for area

Number of Persons Served by Project	Number and Percentage of Low/Moderate Income Persons Who Benefit
350	89.5% of households responding to the Tribal survey

Data Source
Tribal survey

Previous Edition Obsolete

HUD-4122 (1-88)
24 CFR Pt. 571

These parcels are prioritized and are as follows:

Priority #1: Wainscoat property, which consists of 168 acres that includes a higher elevated area suitable for a community building and housing, prime agriculture land (ideal for the cogeneration plant project or farming/ranching), and a hot springs (This will facilitate the development of a fish farm as naturally occurring hot water is conducive to fish growth as well as the development of a resort/spa.). This parcel of land is currently in probate and the Tribe is negotiating with the exectrix of the estate to purchase the land (The deceased owner had wishes that the land go to benefit the Indians of Greenville area.). Troy Wainscoat, as co-exectrix, has agreed to partition 30 acres of this land for sell to the Tribe for the community building project. The Tribe will continue to negotiate to obtain the balance of the land for economic development.

Priority #2: Sheehan property #1 consists of 163 acres and one house with 3 bedrooms, as well as out buildings including one old barn and corrals. Most of this property has been zoned as agriculture, but it is suitable for the community building, housing and some of the economic development projects.

Priority #3: Sheehan property #2 consists of 22.90 acres that are suitable for the community building, housing and some of the economic development projects. The location of this property is approximately 300 yards from the original Rancheria.

COMMUNITY BUILDING USE

The Tribe will provide services to its members from the community building. Currently, the Tribe is operating a P.L. 93-638 program for its members, which has a staff of four. The rent currently being paid for an off-rancheria facility to operate this program from is $350/month. This project would be relocated to the community building and the $350/month would be converted to a fee for use to support the maintenance and operations of the building. The Tribe will also be operating a Copying and FAX Service on a fee for service basis in Greenville. This project will be relocated to the community building and it will pay a fee for use to the maintenance and operations of the building.

Further, the Tribe has submitted a proposal to Indian Health Services for a Tribal Management Program, the initial development needed to assume operations of the Tribal Health Clinic. This project will be housed in the community building and will pay $750 fee for use.

In addition to the above, the Tribe will be providing extension courses and tutoring services to its members. The meeting room will be utilized for these services, as well as for the training workshops that the Tribe will be providing to its members. It will also be used for Tribal Council and general membership meetings. The Tribe also plans to have cultural workshops and meetings in the community building.

Non-Tribal use will be as follows:

1. A real estate agent located in Redding wants to open an office in Greenville and has contacted the Tribe about office space.

2. Roundhouse (An Indian education program) is looking for a new location to operate from. Discussions are underway with this organization to determine a fee for use.

3. The Bureau of Indian Affairs has agreed to use the meeting room on a fee for use basis for meetings that they will hold in our area.

4. The Indian Health Services has agreed to use the meeting room on a fee for use basis for meetings that they will hold in our area.

PROBLEM RESOLUTION

The proposed project resolves two problems currently confronting the Tribe: 1) Through the land acqusition, the Tribe will gain a land base adjacent to or near its original Rancheria. 2) Through the construction of a community building the Tribe will have a home base from which to operate its service programs for its members; the Tribe will be able to provide centralized services, thereby, assisting Tribal members more efficiently. Completion of this project would move the Tribe towards accomplishing its long term goal of economic and social self-sufficiency.

LOCATION IN REFERENCE TO POPULATION SERVED

Currently, the Tribal members are dispersed throughout northern California. However, a significant number live in the Greenville area. Hence, provision of services from a centralized building alleviates the need for the members to travel to serveral places to acquire services, especially since many do not have adequate transportation. The long term goal is for the Tribal members to be located on the Rancheria so that everyone is near the service center. This is in the planning stages. The land acquisition and community building will provide the initial step in achieving this goal.

LENGTH OF TIME FOR COMPLETION

The Tribe will need one year form the start date of the contract to finish this project.

JUSTIFICATION FOR SPACE

The proposed community building has 4,000 square feet, with eight offices and a large meeting room. The Tribe will need five offices to operate its service programs -- BIA P.L. 93-638, IHS program, ANA economic development planning project (if funded), and other programs that are now in planning stages. Further, the Tribe needs an adequate meeting room/multipurpose room so that it can bring extension classes to its members to promote educational development and training; to provide a tutorial program for the children; to provide cultural events and training workshops for its members.

In addition, the Roundhouse needs office space and meeting facility to operate the Indian Education program from. There is no large meeting room currently available in this area to accomodate meeting; consequently, this facility is needed to provide this type of meeting facility to the community at large as well as to federal and state agencies wishing to hold meetings in this area -- BIA, IHS, forrestry, etc.

To facilitate maintenance and operations, a fee for use will be established and the Roundhouse and a real estate agent will use space in the building on a fee for use basis. Consequently, in order to accomodate both the Tribal use and the non-Tribal use, a building this size is needed.

INTENDED ACCOMPLISHMENTS

The intended accomplishments of this project are as follows:

1. Land acqusition adjacent to or near the original rancheria; thereby creating a land base for the Tribe.

2. Construction of a community building; thereby providing a central facility for the Tribe to operate its service programs from.

OTHER RESOURCES

The following have agreed to provide in-kind contributions to the development of this project:

1. Tecumseh Construction: Design and Project Management
2. GreyEagle: Environmental Assessment
3. Indian Health Services: intial site review to determine what sanitation facility improvements are needed for new building; sample specifications for the installing outside sanitation facities; oversight inspection on outside sanitation facilities.
4. Bureau of Indian Affairs: roads

TRIBAL RESOURCES

The Tribe will provide office space, telephone, copying, bookkeeper service and Tribal Council member time to this project.

MAINTENANCE AND OPERATIONS

The Tribe will establish a fee for use system to genrate funds to maintain and operate the building. The Tribe will charge its own programs this fee for use, as well as non-Tribally managed projects. The Tribe's amount will be approximately $7,000/year. Non-Tribal use amount will be approximately $4,500/year. This makes a total of $11,500/year for maintenance and operations of this building.

METHODOLOGY

The Tribe will contract with GreyEagle and Associates to manage this project, although the Tribe will retain oversight of expenditures and liaison with the funding agent; thereby will assure that the project operates efficiently and within its timefram. GreyEagle will perform the day-to-day management and implement the project for the Tribe. In addition, GreyEagle will prepare construction documents and monitor progress on this project. GreyEagle will prepare quarterly progress reports to the Tribe and to the funding agent is so desired.

Tasks to be performed by GreyEagle are:

1. Work with the Tribe to negotiate acquisition of the land.
2. Work with the Tribe to provide daily management of this project
3. Work with the Tribe and/or other consultants, other agencies, etc. to do initial site preparation and environmentals and to prepare bid documents.
4. Work with Tribe to monitor project's progress
5. Provide building inspection services
6. Evaluate project
7. Prepare monthly reimbursement statements
8. Any work necessary to assure successful completion of this project, including on/off site development and securing in-kind service promised to the Tribe.

EXHIBIT 4

NORTHERN VALLEY INDIAN HEALTH

Plumas clinic plan disputed

Critics fear revamping will cut Indian services

By Jane Braxton Little
Bee Correspondent

GREENVILLE — No patients were treated Monday at a satellite Indian health clinic in this Plumas County town.

Instead, staff workers filled boxes with health charts, medical supplies and stethoscopes to be shipped to the main offices of Northern Valley Indian Health Inc. in Oroville.

The closure is temporary, according to Gerald Kane, executive director of the Indian health agency, which serves eight Northern California counties.

A reorganization plan approved Saturday by agency directors eventually will replace a nurse practitioner and five office workers with a full-time physician and a staff of two or three, Kane said Monday.

"We're not closing up shop in Greenville. This change is to upgrade the services we can provide," he said.

However, critics of the plan developed by Kane charged that the reorganization will reduce the level of care available after a one- to two-month interim period, when only telephone referrals will be available.

The written proposal approved by the board of directors calls for providing service just three days a week, opponents pointed out. The clinic has been operating five days a week.

Critics also charged that Kane, the target of legal complaints by former employees, has unstated reasons for proposing the reorganization.

"Obviously, the man is not thinking about Indian people. They're clamoring at the door already," said Sally Rosen, a nurse practitioner who has managed the Greenville clinic since it opened six years ago.

The clinic has provided out-patient, pharmaceutical and referral services to 600 of Plumas County's 700 American Indians, Rosen said.

Those clients will continue to receive treatment under the reorganization, Kane said, but more than 1,300 non-Indian clients no longer will be eligible.

In their place, said seven-year board member Lorena Moore, Northern Valley Indian Health will extend services to Indians in the Willows and Woodland areas, where it operates outreach stations.

Moore voted against the plan, she said, because it will reduce the services for Plumas County Indians, and eliminate them for local non-Indians.

The plan, which passed the board of directors on an 8-4 vote, also could relocate the satellite clinic from Greenville to Quincy, Moore said.

See CLINIC, page B2

Clinic

Continued from page B1

The board is composed of representatives of each of the counties the health agency serves — Butte, Colusa, Glenn, Plumas, Sutter, Tehama, Yolo and Yuba — and local Indian groups.

While Kane said no one has been fired, the reorganization will eliminate the positions held by six women, some of them employees of the Greenville clinic for as long as six years. Only two current employees will continue to have jobs once the new plan is in place, he said.

The six employees losing their positions in the reorganization are all women who testified against Kane in a recent criminal battery case involving a former Greenville clinic employee. The two women who will retain their positions testified on his behalf.

A jury found Kane not guilty on Oct. 30.

"And exactly two weeks later he comes up with this reorganization plan. That says what it needs to say," said Rosen, who testified as an eyewitness to the battery charges filed by former clinic nurse practitioner Jan Jones.

Kane said he was not aware of any personality conflicts with workers at the Greenville clinic, and declined to comment on whether the battery case had any effect on the reorganization.

"There are no hidden agendas on Northern Valley Indian Health's part," he said.

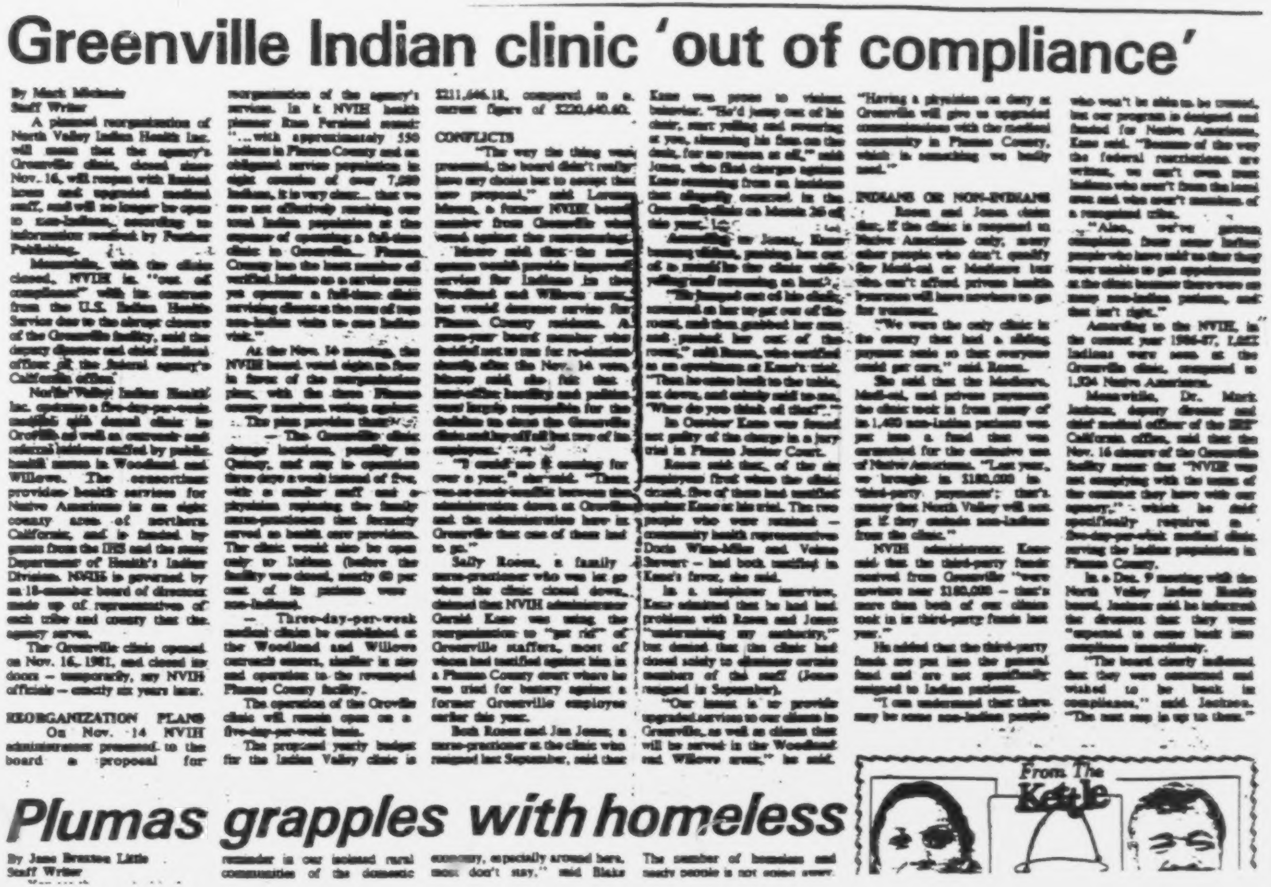
The health clinic changes were prompted by federal cuts in the agency's $1.7 million budget, said Kane. He could not specify how much the agency's funding will be slashed, or how much, if any, it will save by the reorganization.

Both Kane and Northern Valley Indian Health are named as defendants in a civil lawsuit, filed in Butte County Superior Court, which claims on-the-job sexual harassment. In the suit, Rulene McIntyre, a registered nurse who worked at the agency's main clinic in Oroville, charges that Kane made sexual demands as a condition of her job security.

"He gave her the nickname 'Nurse Goodbody,' and he followed her around the office touching and patting her," said Jeff Korber, McIntyre's Oroville attorney.

Korber said more than 20 women who once worked for Kane would testify at the trial, which is scheduled to begin March 7.

Kane declined to comment on the lawsuit.



Greenville Indian clinic 'out of compliance'

Plumas grapples with homeless

From The Kettle

TESTIMONY OF CALIFORNIA RURAL INDIAN HEALTH, MEMBER OF NORTHERN VALLEY INDIAN HEALTH INC. TO THE SENATE SELECT COMMITTEE, CHAIRED BY SENATOR DANIEL INOUYE.

April 28, 1989

* My name is Tommy Merino. I am a Mountain Maidu, a board member of Northern Valley Indian Health, Inc., and a representative of Plumas County. I would like to begin by thanking you Senator Daniel Inouye and the Senate select committee, for holding this hearing at Sacramento.

PROBLEM WITH P.L. 93-638:

Northern Valley Indian Health, Inc. service area encompasses eight (8) northern counties: Tehama, Butte, Glenn, Plumas, Yuba, Sutter, Colusa and Yolo. The Indian population is dispersed over a large varying geography. N.V.I.H. is a nonporfit, tax exempt organization incorporated in the state of California, October 8, 1971. The board of directors consists of twenty (20) directors, two elected from each county and four (4) corporate officers. Northern Valley Indian Health is funded under the Buy Indian Act, Indian Health Services, and State Indian Health Branch, to provide direct contract health service (CHS) to eligible Native American Indians residing within the eight (8) county service areas. This encompasses a total of nearly 5,600 Native American Indians. Also, there are six (6) small Rancherias in the service areas. The Rancheria are federally recognized. Total membership is between 500 and 550. The balance of Native American Indians, 5,000 or more are not federally recognized under the P.L. 93-638 contract. The Tribe wishes to exercise more effective control of the N.V.I.H. health program by making it a Tribal health program directly responsible to Tribal governments. And that such Tribes shall exercise exclusive control over the structure, policies and activities of the organization. The new board composed exclusively of representatives selected by the federally recognized Tribes. I feel after 18 years of service provided to our Native American Indians, that Northern Valley Indian Health Inc. has come a long way from day one. What were the tribes that are federally recognized doing all these years? Now they feel it should be "their" health program. We feel left out, as county representatives due to P.L. 93-638, we need your support, so we can continue with the Buy Indian Act and other Act.

Northern
Valley
Indian Health, Inc.

2167 Montgomery Street
Oroville, California 95965.

Administration: 534-8440
Dental Office: 534-7463
Medical Clinic: 538-0770

Northern Valley Indian Health, Inc. (NVIH) service area encompasses eight (8) northern counties: Tehama, Butte, Glenn, Plumas, Yuba, Sutter, Colusa and Yolo. The Indian population is dispersed over a large varying geography, making access and availability of services difficult problems at times.

The Northern Valley Indian Health program offers direct ambulatory Medical/Dental services to the Native Americans living in the eight county service area. Oroville is the central location for Medical, Dental, Health Education, Nutrition, Mental Health, and Alcoholism services. Greenville and Willows facilities are NVIH satellite offices with Medical Clinic programs, but no Dental programs. NVIH maintains a satellite health station in Woodland, Yolo County.

The Northern Valley Indian Health is funded by Indian Health Services and State Indian Health Branch to provide direct and Contract Health Service (CHS) to eligible Native American Indians residing within the eight (8) county service areas. Direct health services include those provided at our Medical and Dental clinics by our staff. Contract Health Service include Medical and Dental and Auxillary services arranged and paid through Contract Health Services funds. Contract Health Services contracts with private providers to perform services that normally NVIH cannot provide. Contract Health Services have strict guidelines to adhere to, prior authorization from NVIH eligibility staff and meeting eligibility criteria set forth in CFR536.23.

The following limitations apply to Contract Health Services:

1. You must apply for alternative resources if there is a reasonable indication that you may be eligible for them. Alternative resources include Medi-Cal, Medi-Care, Vocational Rehabilitation, Veterans Administration, Crippled Children, and private insurance, etc.

Eligibility of California Indian:

1. Until such time as any subsequent law may otherwise provide, the following California Indians shall be eligible for health services provided by the Service.
    - A. Any member of a federally recognized Indian tribe.
    - B. Any descendant of an Indian who is residing in California on June 1, 1852, but only if such descendant-
        - a) is living in California,
        - b) is a member of the Indian community served by a local program of the Service, and
        - c) is regarded as an Indian by the community in which such descendant lives.

Serving Eight Counties

(Con't--Page 2)

C. Any Indian who holds trust interests in public domain, national forest or Indian reservation allotments in California.

D. Any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

2. Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

Not all health and social service needs can be met in our clinics. That is why we provide a wide variety of services in the community, on reservations, rancherias, and in the homes. In each county we serve, there are Community Health Representatives (CHR'S) who make home visits, arrange for medical and dental care, provide information on community social services and perform other tasks ranging from counseling to the changing of bandages. At each of our clinics and Health Stations, we have Public Health Nurses who coordinate outreach services, offer health education classes and counseling, make home visits to evaluate the health status of individuals and families, provide follow-up medical care in homes, and monitor the health of people such as pregnant women and people with diabetes and high blood pressure. In addition, we have other staff performing outreach activities. For example, our Environmental Health Technician samples water on reservations and rancherias, evaluates waste and sewer disposal systems, identifies hazardous materials and trains individuals, families and groups in accident prevention and injury control. In short, we have a host of professionals working to safeguard, maintain or improve the emotional and physical well-being of Native American Indians living within our service area.

Outreach Staff
* Public Health Nurses
* Community Health Representatives
* Environmental Health Technician

Outreach Services
* Help in entering the health care system
* Arrange for Medical and Dental service home visits
* Health Education and Counseling
* Help in obtaining social services
* Vision and Hearing Clinics
* Immunization clinic
* Car safety seat program for children
* Transportation for Medical and Dental care when no other means are available.

Issues

TESTIMONY ON BEHALF OF NORTHERN CIRCLE INDIAN HOUSING AUTHORITY TO SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

My name is Harriet Stanley. I am the Secretary of the Board of Commissioners of Northern Circle Indian Housing Authority. Some 12 rancherias, or small reservations in Northern California, have established Northern Circle to construct and administer low income housing on their reservations. Northern Circle serves rancherias in 5 counties.

We have constructed and administer well over 140 housing units. We have another 94 units currently under development. However, the rancherias that we serve have a tremendous unmet need for housing. Until approximately 10 years ago the federal government through the Bureau of Indian Affairs, the Department of Housing and Urban Development, the Farmers Home Administration and other agencies concerned with housing provided virtually no assistance to California rancherias.

In fact, after World War II the federal policy favored terminating the federal government's relationship with these rancherias. That policy culminated in the passage in 1958 of the California Rancheria Act, which called for the termination of 41 rancherias. A considerable number of the rancherias represented by Northern Circle were terminated under this legislation and then later restored through litigation. The recently restored rancherias received no assistance whatsoever from the federal government for the twenty or more years that they were considered terminated. Most of them retain ownership of only a small fraction of their original land base.

For these groups the HUD administered community development block grant program and the national and Indian housing act programs provide the only hope of restoring their communities. Congress has never provided funding specifically to address the needs of these victims of the shifting pendulum of federal Indian policy.

Many Indian families currently lack or live in substandard housing based on our surveys of the populations served by Northern Circle. The total number of standard housing units available on the reservations that we serve is less than 250. While there is a need for 1000 additional housing units on these and other Northern California reservations, the total allocation of units for region 9 this year is 526. This number must address the need for Indian housing in Arizona, California, New Mexico and Nevada. California has the largest Indian population in the United States, but has historically received the least amount of assistance from federal housing programs directed to Indian Country.

Obviously, the housing programs have not begun to meet the need for housing among California Indians. President Bush has proposed, in effect, to cut that assistance even further. These cut backs have been proposed just when organizations like Northern Circle have begun, for the first time, to improve housing conditions significantly on California rancherias.

The rancherias were purchased beginning in 1906, because C.E. Kelsey had reported to Congress that the unprecedented migration to California during the gold rush had left California Indians largely homeless. This destruction of their homes and means of livelihood had reduced the Indian population in California from an estimated 150,000 in 1850 to less than 16,000 in 1905. Kelsey proposed purchasing small tracts of land, where the Indians could develop secure homes.

From the beginning, however, the rancherias never fullfilled their promise. Many lacked adequate water sources or were located in remote locations. Throughout their history, until the passage of the rancheria act, the BIA largely ignored these small Indian communities, leaving the Indian residents to fend for themselves. As a result, the housing that developed on the rancherias was often make shift, substandard, lacking indoor plumbing.

The Indian Housing Programs administered by Northern Circle have begun to make a difference to the rancherias for the first time. None of Northern Circle's projects are older than five years. Most have been completed within the last two to three years. During its relatively brief existence Northern Circle has established an impressive administrative record and has been recognized by HUD as one of the best run Indian Housing

Authorities in the United States.

If this Committee takes one message back to Washington with it, that message must be: adequately fund housing programs for California Indians; insure that HUD allocates adequate housing units for California Indians and for the long neglected rancherias in particular.

Thank you for the opportunity to address the Committee.

enclosure: supporting tribal resolutions

HOPLAND BAND OF
POMO INDIANS

POST OFFICE BOX 610 HOPLAND CALIFORNIA, 95449 707-744-16

TRIBAL CHAIRMAN
Donald Ray

VICE CHAIRMAN
Kenneth Arnold

SECRETARY
William Elliott

TREASURER
Marie Lincoln

MEMBERS
Beverly Rodriquez
Mathew Billy
Delphine Martinez

RESOLUTION 4-9-89B

RESOLUTION OF THE TRIBAL COUNCIL OF THE HOPLAND BAND OF POMO INDIANS OF THE HOPLAND RESERVATION REQUESTING ADEQUATE FUNDING FOR INDIAN HOUSING PROGRAMS.

WHEREAS, The Hopland Tribal Council, is the governing body of the Hopland Band of Pomo Indians, a federally recognized Indian tribe which occupies the Hopland Reservation in Mendocino County, California; and

WHEREAS, a substantial number of the tribe's members live in substandard and/or overcrowded living conditions or lack any housing whatsoever; and

WHEREAS, other forms of federal, state and local housing assistance do not adequately address the tribal members need for adequate housing; and

WHEREAS, only Indian housing programs provide assistance to create reservation housing and to improve living conditions on the tribe's reservation; and

WHEREAS, President Bush has recommended a zero budget for the development of housing in Indian Country;

NOW, THEREFORE, BE IT RESOLVED that Congress and the Senate insure that sufficient funds are appropriated and authorized to continue and expand the Indian housing and related programs administered by the Department of Housing and Urban Development and the other Indian housing programs, including the housing improvement program.

CERTIFICATION

The Hopland Band of Pomo Indians does hereby certifies that at a general membership meeting duly called and convened on April 9, 1989, where a quorum was present this action was duly approved by a vote of 5 FOR, 0 AGAINST, and 0 ABSTAINING.

ATTEST:

Donald Ray, Tribal Chairman

William Elliott
William Elliott, Tribal Secretary

4-9-89
Date

4-9-89
Date

**SHERWOOD VALLEY BAND
OF POMO INDIANS**

RESOLUTION NO. 04-08-89D

RESOLUTION OF THE TRIBAL COUNCIL OF THE
SHERWOOD VALLEY RESERVATION REQUESTING
ADEQUATE FUNDING FOR INDIAN HOUSING PROGRAMS.

WHEREAS, the Tribal Council, is the governing body of the Sherwood Valley Band of Pomo Indians, a federally recognized Indian tribe which occupies the Sherwood Valley Reservation in Mendocino County, California; and

WHEREAS, a substantial number of the tribe's members live in substandard and/or overcrowded living conditions or lack any housing whatsoever; and

WHEREAS, other forms of federal, state and local housing assistance do not adequately address the tribal members' need for adequate housing; and

WHEREAS, only Indian housing programs provide assistance to create reservation housing and to improve living conditions on the tribe's reservation; and

WHEREAS, President Bush has recommended a zero budget for the development of housing in Indian country;

NOW, THEREFORE, BE IT RESOLVED that Congress and the Senate insure that sufficient funds are appropriated and authorized to continue and expand the Indian housing and related programs administered by the Department of Housing and Urban Development and the other Indian housing programs, including the housing improvement program.

PASSED AND ADOPTED on April 8, 1989, at a duly called meeting of the Tribal Council by the following roll call vote:

AYES: 6
NOES: 0
ABSENT: 0

Tribal Chairperson

ATTEST: Georgina Stanley

2141 South State Street - Ukiah, California 95482
(707) 468-1337

Redwood Valley Little River Band of Pomo Indians

P.O. BOX 499 / REDWOOD VALLEY, CALIFORNIA 95470 (707) 485-0861 Refer to:

RESOLUTION NO. 89-4-3

RESOLUTION OF THE TRIBAL COUNCIL OF THE LITTLE RIVER BAND OF POMO INDIANS OF THE REDWOOD VALLEY RANCHERIA RESERVATION REQUESTING ADEQUATE FUNDING FOR INDIAN HOUSING PROGRAMS.

WHEREAS, The Tribal Council, is the governing body of the Redwood Valley Rancheria, a federally recognized Indian tribe which occupies the Redwood Valley Rancheria reservation in Mendocino County, California; and

WHEREAS, a substantial number of the tribes's members live in substandard and/or overcrowed living conditions or lack any housing whatsoever; and

WHEREAS, other forms or federal, state and local housing assistance do not adequately address the tribal member's need for adequate housing; and

WHEREAS, only Indian housing programs provide assistance to create reservation housing and to improve living conditions on the tribe's reservation; and

WHEREAS, President Bush has recommended a zero budget for the development of housing in Indian country;

NOW, THEREFORE, BE IT RESOLVED that Congress and the Senate insure that sufficient funds are appropriated and authorized to continue and expand the Indian housing and related programs administered by the Department of Housing and Urban Development and the other Indian housing programs, including the housing improvement program.

PASSED AND ADOPTED on April 22 , 1989, at a duly called meeting of the Tribal Council by the following roll call vote:

CONTINUED

AYES: 4

NOES: 0

ABSTAIN: 0

Gayle Zepeda
TRIBAL CHAIRPERSON

4-24-89
DATE

Anthony L. Dooley
ATTESTED

4-24-89
DATE

PINOLEVILLE INDIAN COMMUNITY
367 NORTH STATE STREET, SUITE 204
UKIAH, CALIFORNIA 95482

RESOLUTION NO. 4-24-89

RESOLUTION OF THE TRIBAL COUNCIL OF THE PINOLEVILLE INDIAN RESERVATION REQUESTING ADEQUATE FUNDING FOR INDIAN HOUSING PROGRAMS.

WHEREAS, the Tribal Council, is the governing body of the Pinoleville Indian Community, a federally recognized Indian tribe which occupies the Pinoleville Indian Reservation in Mendocino County, California; and

WHEREAS, a substantial number of the tribe's members live in substandard and/or overcrowded living conditions or lack any housing whatsoever; and

WHEREAS, other forms of federal, state and local housing assistance do not adequately address the tribal members' need for adequate housing; and

WHEREAS, only Indian housing programs provide assistance to create reservation housing and to improve living conditions on the tribe's reservation; and

WHEREAS, President Bush has recommended a zero budget for the development of housing in Indian country;

NOW, THEREFORE, BE IT RESOLVED that Congress and the Senate insure that sufficient funds are appropriated and authorized to continue and expand the Indian housing and related programs administered by the Department of Housing and Urban Development and the other Indian housing programs, including the housing improvement program.

PASSED AND ADOPTED on April 24, 1989, at a duly called meeting of the Tribal Council by the following roll call vote:

AYES: 5
NOES: 0
ABSENT: 2

Marie Pollock
MARIE POLLOCK
TRIBAL CHAIRPERSON

ATTEST: Lynn Crabtree
COUNCIL MEMBER

[illegible] OROVILLE ; 4-24-89 3:04PM ; [illegible] [illegible] 1

TYME MAIDU TRIBE
BERRY CREEK RANCHERIA
1779 Mitchell Avenue
Oroville, California 95966
(916) 534-3859

RESOLUTION NO#89-13

RE: RESOLUTION OF THE TRIBAL COUNCIL OF THE TYME MAIDU TRIBE OF THE BERRY CREEK RANCHERIA REQUESTING ADEQUATE FUNDING FOR INDIAN HOUSING PROGRAMS.

WHEREAS, The General Council is the governing body of the Tyme Maidu Tribe, a federally recognized Indian Tribe which occupies the Berry Creek Rancheria in Butte County, California; and

WHEREAS, a substantial number of the tribe's members live in substandard and/or overcrowded living conditions or lack any housing whatsoever; and

WHEREAS, only Indian housing programs provide assistance to create rancheria/reservation housing and to improve living conditions on the tribe's rancheria/reservations; and

WHEREAS, President Bush has recommended a zero budget for the development of housing in Indian Country;

NOW THEREFORE, BE IT RESOLVED that Congress and the Senate insure that sufficient funds are appropriated and authorized to continue and expand the Indian housing and related programs administered by the Department of Housing and Urban Development and the other Indian Housing programs, including the housing improvement program.

CERTIFICATION

This is to certify that the following Resolution was duly adopted by the Tribal Council of the Tyme Maidu Tribe of Berry Creek Rancheria at a meeting held on April 24, 1989, at which a quorum was present, by a vote of 5 for, 0 against, and 0 abstaining, and that this Resolution has not been changed, rescinded or amended in any way.

Gus D Martin
Gus D. Martin, Chairman — 4/24/89 Date

ATTEST: Thelma E. Edwards
Thelma E. Edwards, Secretary — 4/24/89 Date

(27)

April 28, 1989

Mr. Chairman and Committee Members:

Thank you for the opportunity to appear before you today to voice concerns of the Yurok people regarding protection of sacred lands, specifically religious prayer sites and ceremonial grounds used by native people since the beginning of mankind on this continent.

My name is Lawrence O'Rourke. I am of Irish and Yurok decent. I live in Northern California on the newly named Yurok Indian Reservation of the Lower Klamath River, where we have resided since the beginning of people here. I come from the old village of Morek and my family comes from the house of Ker-get-se[illegible] I am from a family of dance people, medicine people and Indian doctors. Like those of my ancestors who have passed before me, My family and I are presently and will continue to be involved in the ceremonies of the Yurok people. Therefore it is my responsibility to appear before you today to inform you of a serious injustice that has befallen the Yurok peole and all other native people of this land.

A recent decision of the United States Supreme Court entitled, Lyng v. Northwest Cemetery Protective Association, in short is a case that involves our struggle to stop the U.S. Forest Service from completing a 6.2-mile segment of road, through or near an area known to the courts as Doctor Rock, Chimney Rock and Little Medicine Mountain areas.

I am not here to discuss the legal aspects of the case as they have already been heard in the courts, I am here to share with you some of what this place means to our people.

This area is known to the Yurok people as the High Country or Hath-Keek which translates to English as 'way out there,' the prayer gounds where we go.

It has always been, and will continue to be Yurok way, to care for this place and all of its inhabitants. We have, by spiritual law, permissable use to sustain our physical being through this lifetime. Along with permissable use, we also have the responsibility to care for and protect this way. In this way, we are all related, all the plants and animals and all living things of the world. It is by the Earth and our relations that we as humans exist here. They alone sustain our physical being, as long as we walk here on this Earth.

It is through Hath-Keek or the High Country that our spiritual being is sustained. It is through this place that we learn of our spiritual being, or our relationship to all living things of this world and beyond. It is through this place that we learn of our individual medicines and all other medicines of the universe. It is through this place that the Yurok people survive. It must not be destroyed. I stand before you today to speak for this sacred place of prayer that has held us close through the passing of time.

We are not asking for any special privileges, or rights. We are only asking for you to recognize us as peole, who have a need to pray undisturbed in a way that we were given, in a manner that we must in order to remain here. We only want what every other race in this country has: the right to be free to pray and live according to our spiritual beliefs.

I am deeply saddened to read that the recent decision of the Supreme Court of these United States denies one race of people this right to pray in a free manner, a right that is also the cornerstone of the principles and ideals of freedom and democracy.

We spend millions of dollars annually to promote and protect these ideals abroad, yet, this decision of the Supreme Court, is allowing these principles and ideals to be ignored and violated right here in our home. By denying the indigenous people this very fundamental right, the native people of this land have become less than second class citizens. IT IS TRULY UNJUST.

Is it not true that some of our finest medicines come from the native plants? They heal the people in time of sickness and disease. We have diseases here now and new ones to come that as of yet we have no cure for. Like all other diseases, it is the nati[illegible] that again, will yield of its medicine to heal the people, [illegible] to understand the medicines, first we must recognize that [illegible] the medicines for the physical being and those for the spi[illegible] being. They are inter-related as they apply to mankind. [illegible]

If the native plant is this way, it must be true tha[illegible] people are also this way. If the native people and the m[illegible] they carry are destroyed, it is certain that in time all[illegible] will be detroyed. This medicine that the native people [illegible] be the cure to some of the diseases that plague us. The[illegible] wise that we will try to understand the nature of the di[illegible] preserve and protect the medicines we [illegible] with.

As of March [illegible], 1989, a bill was intro[illegible] Representatives by Mr. Udall to amend the [illegible] Freedom Act of 1978. It is hopeful tha[illegible] restore the native peoples First Amendment [illegible] protect these ancient traditions and medicines the Yurok [illegible]

In the past it has been a struggle, to say the least, [illegible] this Yurok way. What we need now is co-sponsors of H.R. [illegible] troduced into the Senate. It is probable that at some ti[illegible] future, members of this committee will be contacted in one [illegible] another. I hope you understand and remember my testimony [illegible]

Respectfully Submitted,

Lawrence O'Rourke

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COAST INDIAN COMMUNITY of the RESIGHINI RANCHERIA

Post Office Box 529 - Klamath, California 95548 - (707) 482-2431

1989 TESTIMONY BEFORE THE SENATE SELECT COMMITTEE FOR INDIAN AFFAIRS

Honorable Senator Inouye and distinguished members of the Senate Select Committee. My name is Vlayn McCovey-Bigovich, I am the official representative of the Coast Indian Community of the Resighini Rancheria, hereinafter referred to as **"The Coast Indian Community"**.

BACKGROUND

With appropriations under the Indian Reorganization Act, the Coast Indian Community of the Resighini Rancheria was formally established, by Executive Order, in 1939. The "trust land" of the Rancheria comprises approximately 228 acres located on the south bank of the Klamath River in Del Norte County. Unlike any other Rancheria in the State of California (and with only one exception - in the nation), the Coast Indian Community is situated within the boundaries of a separately recognized tribal jurisdiction. **The Resighini Rancheria is thus situated with the boundaries of the Hoopa Valley Indian Reservation (soon to be recognized as "The Yurok Reservation)**. But unlike the Hopi-Navajo situation, our members share a common ancestral origin with the aboriginal

Yuroks of the newly recognized "Yurok Tribe". It must also be noted that the Coast Indian Community members have historically exercised aboriginal hunting, fishing and gathering rights within and through-out the larger Indian trust territory. Additionally, as did our ancestors of time immemorial, the Coast Indian Community members have continued to practice traditional Yurok customs and have maintained strong religious beliefs. Over the years, we have sponsored many cultural education projects designed to strengthen our tribal identity and rejuvenate Yurok customs and arts. Such project now serve as testimony to our continued desire to preserve the cultural uniqueness of our general membership.

Pursuant to the **intent** of the federal recognition process as well as the **intent** of the Indian Reorganization Act of 1934 (from which this Rancheria was conceived and has since evolved), the Coast Indian Community has successfully developed and maintained a cohesive political unit. Additionally, and in despite of three major floods of the Klamath River, we have experienced exemplary progress as a "Tribal Entity". The Coast Indian Community has an approved constitution and by-laws (this alone, among California tribes, is a **notable accomplishment!**); we have also enacted regulatory ordinances and adopted administrative policies and procedures. Over the years the Rancheria has secured and contracted millions of dollars in federal funded programs. Such funded programs were used to repair, rehabilitate and construct homes, construct a community center and tribal offices; install water and waste disposal systems and to administer tribal self-governance. Additionally, we have sought to fully utilize our existing lands and provide for our economic self-sufficiency. In this regard, the Rancheria is presently managing a campground enterprise and have recently concluded a sale of sand/gravel resource to the Highway 101 - Redwood National Park By-Pass Project. Although we have not resolved all of the Socio-Economic needs of our general membership or attained economic self-sufficiency, we have progressed further along than most of California's Reservations [illegible] ancherias.

Recently, the congress of the United States has enacted Public Law 100-580 - **The Hoopa-Yurok Settlement Act** and therewith threatens to disenfranchise the Coast Indian Community. This act, now commonly referred to as "**The Black-Mail of Indian Rights Act of 1988**", has placed our members in the bewildering predicament of having to chose either to terminate the political-corporate status of the Rancheria (tribal status) or relinquish important vested rights within the newly established "Yurok Reservation". Because of the expeditious fashion in which this bill was moved through the legislative process, no time was given to either debate the issues involved or assess their impact on the reservation community. Thus, we are presently strapped with a law that threatens very harmful impacts upon the tribal people it was "intended" to help. This law, Public Law 100-580, signed by the President on Halloween night, October 31, 1988 has proved to be more of a trick for effected Indians than a treat.

Because of the all-encompassing impact that Public Law 100-580 will have upon the Coast Indian Community, it shall be the focus of our testimony before this distinguished committee today. Public Law 100-580 shall hereinafter be referred to as simply "**580**". Not to be confused with its earlier counterpart Public Law "**280**".

ISSUES AND RECOMMENDATIONS

Issue No. I: The Repeal of Public Law 100-580 - The Hoopa-Yurok Settlement Act

Pursuant to the perniciously deceptive intent of 580 to stimulate the slumping northcoast economy, with Indian money, and not to settle the Hoopa-Yurok dispute, we herewith strongly recommend that this committee initiate immediate action leading to the repeal of this distorted Act. Public Law 580 will prompt the unrestricted distribution of over 100 million dollars to "qualified Indians of the reservation". All escrow accounts and "Short" entitlements totaling over $100 million will be dropped on the northcoast economy.

In regards to this blatant misuse of Indian trust monies, we strongly recommend that this committee initiate necessary action to repeal Public Law 100-580. Subsequently we encourage the establishment of a "Blue Ribbon Committee" to research and develop a settlement plan that is truly beneficial to effected Indians and offers a more prudent management option for Indian trust money. Surely, the "Settlement Plan" already promulgated in 580 will only transfer Indian wealth to Non-Indian business and leave us, the effected Indians, broke and continuously dependent upon federal subsidies.

The following issues are presented for the Blue Ribbon committee's consideration.

Issue No. II: Hunting, Fishing and Gathering Rights for Coast Indian Community Members

As indicated previously, members of the Coast Indian Community have continuously exercised our vested rights to hunt, fish and gather within our aboriginal homeland and within the boundaries of the larger Indian Trust Territory. Both the State of California and the Federal Government have recognized such vested rights. In fact, both have contracted with our "Tribal Entity" for salmon restoration programs that extended beyond our boundaries and significantly into the larger "Yurok Reservation".

Presently, members of the Government Appointed "580 Transition Team" have aggressively advanced the position that our members must join the "Yurok Tribe" else extinguish the above said vested rights within the larger trust territory. This threat has placed our members between a rock and a hard place. The desire of the Rancheria is to continue the political/corporate status that we worked to maintain for 50 years. However, to be terminated of our vested rights to hunt, fish and gather, within our homeland, will jeopardize the very survival of our members. Therefore, the Coast Indian Community insists this perdicament is unjust to our members and must be changed.

Please be advised that Public Law 580 is silent both on the conformation or extinguishment of vested hunting, fishing and gathering rights of our members within the boundaries of the larger "Yurok Reservation". Therefore, the Coast Indian Community recommends that subject law be amended to recognize the vested rights for our general membership.

Issue No. III: Boundary Clarifications or Corrections

Public Law 580 sites the Bissel-Smith survey to delineate the boundary between the Hoopa Valley Reservation and the Yurok Reservation. However, the law is silent as to any clarifications or corrections of the boundaries between the Coast Indian Community and the Yurok Reservation. Because all previous surveys of the Rancheria boundary show discrepancies with regard to total acreage and important river frontage. The Coast Indian Community strongly recommends subject law include provisions to clarify our boundaries.

Regardless of the action taken by this committee, the Coast Indian Community requests the Secretary of Interior to cause an independent survey of the Rancheria's boundaries.

Issue No IV: The Election of Settlement Options

The Coast Indian Community strongly recommends that Public Law 580 be amended in such a way as to remove all grants if money for selecting a settlement option. This distribution of money ($100 million plus) for selecting a settlement option is nothing short of our-right bribery designed to advance the interest of the U.S. Government into local Indian affairs. Please understand that the granting of money to impoverished Indians of the reservation, as has been authorized by 580, is analogous to giving a master card to a shopoholic. Indian people of northwestern California have been historically denied access to this prosperous capitalistic society. Through-out our history we only witnessed the taking of Indian land, gold, timber and now fish without realizing any economic benefits. Now, Public Law

580 will distribute money designed only to give the effected Indians "A Cheap High" with no lasting impact upon personal or tribal economic self-sufficiency. The Coast Indian Community herewith suggest that such Indian money may be better used for the following and other important needs:

A. To firmly establish an Indian economic and political foundation in northwest California.

B. To clean-up the environmentally hazardous open-pit garbage dumps along the Klamath River.

C. To establish and administer badly needed community services such as water and waste disposal systems; roads and community facilities and for repair and construction of homes.

D. To cultivate cultural and language rejuvenation among the Yurok people.

E. To establish Indian owned and operated fish hatcheries and salmon restoration projects on the Klamath River.

F. Education projects including early childhood development, public school support programs and higher education scholarship.

Therefore, we again strongly recommend that Public Law 580 be amended to remove the bribery influence from the tribal decision making process.

Issue No. V: Distributions and Investment

As indicated previously, the members of the Coast Indian Community are no different than the, soon to be conferred, members of the Yurok Tribe. In fact, because many of the "Yurok Tribal Members" will be non-Yurok people, the

Rancheria's footing on issues of aboriginal rights, may in fact, be greater than that of the Yurok Tribe. Additionally, the Rancheria's political-corporate status is no different from that of the Hoopa Valley Tribe. In fact, with our continued exercise of vested rights within the larger Indian trust territory, the status of the Rancheria may even be greater than that of the Hoopa Tribe. Thus, with the above similarities, the Coast Indian Community is confused as to why we were left-out of the formula used to distribute the settlement-funds. Therefore, we herewith recommend that Public Law 580 be amended to include the Coast Indian Community in the settlement fund distribution formula. Thus, the secretary shall be instructed to pay-out of the settlement fund, our pro-rata share, (based on our population of 73 members) into a trust account for the benefit of the Coast Indian Community.

In conclusion, the Coast Indian Community appreciates this opportunity to provide testimony before the Senate Select Committee. Additionally, we hope that our words will prompt the action needed to repeal Public Law 100-580 - the Hoopa Yurok Settlement Act. Before closing, I wish to take this opportunity to express the Coast Indian Community's whole-hearted endorsement of the following important pending legislation:

A. H.R. 1546 - The American Indian Religious Freedom Act of 1989. The members of the Coast Indian Community are also members of the tribal groups directly impacted by the recent U.S. Supreme Court decision "Richard E. Lyng, Secretary of Agriculture vs. the Northwest Indian Cemetery Protection Association" (this case is commonly known as the Go-Road Case). In this action the U.S. Supreme Court overturned all lower court decisions and thus permitted the U.S. Forest Service to construct the Gasquet-Orleans Road through our sacred religious grounds. With this decision members of our community, as well as other members of our ancestrial tribal group, have been specifically devested of our constitutional right to freely practice our religious beliefs.

Therefore, we strongly urge the senate select committee to encourage the development of analogous senate legislation. Additionally, the Coast Indian Community recommends that the advancement of American Indian religious freedom be placed as a **top priority** of this committee's 1989 work agenda.

B. The Coast Indian Community also supports the enactment of S.611 - **The Indian Federal Acknowledgment Administrative Procedures Act of 1989**. Presently, there are many California Indian Tribes that forego needed benefits from federal grant-in-aid programs. Additionally, because of the lack of federal acknowledgment, such tribes are also prevented from exercising self-governing sovereign rights and other aboriginal entitlements. S.611 not only clarifies the administrative procedures, but also shall greatly expedite the federal acknowledgment process.

Thank you for your time and attention. Now if there are any questions I shall be happy to respond.

Supt

Realty

RICHARD B. DAVIS
LICENSED LAND SURVEYOR
711 H STREET
CRESCENT CITY, CALIFORNIA 95531

"ELECTRONIC DISTANCE MEASURING EQUIPMENT"

TEL. (707) 464-4442

July 27, 1973

Acting Superintendent
Bureau of Indian Affairs
Hoopa Agency
P. O. Box 367
Hoopa, California 95546

Re: Resighini Rancheria
Boundary Survey

Dear Mr. Tipaconic:

Enclosed are three sets of maps showing the survey of the Resighini Rancheria in sections 13, 14, and 23, Township 13 North, Range 1 East, Humboldt Meridian. Please excuse my long delay in delivering this completed project to you, but the brass posts used for monumenting the corners are a special order item and were lost in shipment. We just received them this week.

I trust you will find the maps to be self explanatory. It is my opinion that the metal building [upon which Agnew Timber Products of Brookings, Oregon is currently collecting rent] is located entirely on Rancheria land.

There is a question of ownership concerning the area shown as Taylor Island, as the United States was apparently not named as a defendant when the State of California quieted title to this land in 1962. The total area of the Rancheria consists of 238.78± acres while approximately 24.9 of these acres are contained within the Taylor Island boundaries. Because of errors in the State's descriptions and maps, however, it is not possible to determine the exact amount of land in or the exact location of Taylor Island.

Mr. Tipaconic
July 27, 1973
Page Two

I am attaching a copy of the Taylor Island Case decision to this letter for your information.

Please feel free to contact me with any questions regarding this survey project.

You will receive additional recorded copies of the maps when they are processed by the county.

Thank you for considering me for this project.

Sincerely,

DAVIS SURVEYING AND MAPPING

Richard B. Davis

Richard B. Davis

RBD/mm
Enclosures as noted

ENTERED March 20, 1962
DOK 5 P. 147
BY: Bernice Theuerkauf DEPUTY

Kesighini Rancheria

FILED
MAR 20 1962
DOROTHY SINCLAIR
COUNTY CLERK
BY Bernice Theuerkauf
DEPUTY

STANLEY MOSK, Attorney General
of the State of California
LEONARD M. SPERRY, Jr.
Deputy Attorney General
6000 State Building
San Francisco 2, California
Telephone: UNderhill 1-8700

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF DEL NORTE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

WARD REDWOOD COMPANY, a Delaware corporation, ROSS R. VERMILLION, SADIE VERMILLION,
Defendants.

No. 5323

DECREE QUIETING TITLE

The above entitled matter having come on regularly for trial upon the Complaint of the People of the State of California to quiet title and upon the Answer of Ward Redwood Company, a Delaware corporation, defendant, on the 18th and 19th days of May, 1959, before the above entitled Court, sitting without a jury, the Honorable Samuel F. Finley presiding; Stanley Mosk, Attorney General, and Leonard M. Sperry, Jr., Deputy Attorney General, by Leonard M. Sperry, Jr., Deputy Attorney General, having appeared as counsel for plaintiff; Hardin, Fletcher, Cook and Hayes, by William P. Jaeger, Jr., having appeared as counsel for defendant Ward Redwood Company; no answer or appearance having been made by or on behalf of defendants Ross R. Vermillion or Sadie Vermillion, or either of them, and service of process having been duly made, and their default having been duly entered; evidence both oral and documentary having been introduced by plaintiff, and defendant Ward Redwood Company having rested following the presentation of plaintiff's case-in-chief and having declined to present any affirmative evidence, and points and authorities having been filed, and the Court being fully advised in the premises, and having made its findings of fact and conclusions of law;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Plaintiff was at all times herein mentioned and now is the owner in fee simple absolute and entitled to possession of that certain real property lying and situate in the County of Del Norte, State of California, described in the Amended Complaint, in the Findings of Fact and herein as follows:

PARCEL ONE: Those tide and submerged lands in Del Norte County beginning at a point on the Ordinary High Water Mark of the southerly bank of the Klamath River that bears S. 36° 24' 30" W., 3,064.18 feet from the corner common to Sections 10, 11, 14 and 15, T. 13 N., R. 1 E., Humboldt Meridian, the California Coordinate System, Zone 1 coordinates of said point of beginning being X = 1,441,985.00 and Y = 802,227.00, thence from said point of beginning along the Ordinary High Water Mark of the southerly bank of an Arm of the Klamath River S. 67° 22' 48" E., 26.00 feet; S. 25° 33' 54" E., 49.19 feet; S. 18° 03' 08" E., 141.99 feet; S. 0° 37' 10" W., 185.10 feet; S. 41° 36' 18" E., 33.30 feet; S. 62° 24' 19" E., 30.27 feet; S. 03° 26' 51" W., 83.15 feet; S. 03° 16' 14" E., 140.23 feet; S. 04° 50' 38" W., 59.21 feet; S. 15° 15' 18" E., 57.01 feet; S. 29° 49' 38" E., 86.45 feet; S. 20° 15' 56" E., 207.87 feet; S. 01° 06' 06" E., 104.02 feet; S. 38° 27' 40" E., 180.07 feet; S. 26° 10' 31" E., 131.48 feet; S. 43° 35' 53" E., 113.17 feet; S. 69° 26' 38" E., 119.62 feet; S. 58° 11' 19" E., 313.02 feet; S. 71° 33' 54" E., 173.93 feet; S. 86° 54' 04" E., 73.17 feet; S. 80° 32' 16" E., 91.24 feet; S. 27° 38' 46" E., 23.71 feet; S. 60° 41' 24" E., 130.74 feet; S. 83° 56' 45" E., 132.74 feet; S. 84° 02' 08" E., 134.73 feet to a point which bears N. 46° 51' 59" W., 125.05 feet from a meander post common to Sections 14 and 15, which bears N. 01° 35' 39" E., 839.65 feet from a point common to Sections 14, 15, 22 and 23; thence S. 67° 31' 52" E., 175.31 feet; S. 70° 24' 28" E., [illegible].88 feet; S. 80° 43' 39" E., 198.60 feet; S. 77° 16' 32" E., 95.34 feet; S. 75° 19' 25" E., 130.25 feet; S. 70° 38' 28" E., 117.65 feet; N. 67° 52' 41" E., 132.77 feet; S. 78° 59' 47" E., 146.70 feet; EAST 193.00 feet; N. 66° 55' 47" E., 176.03 feet; S. 79° 41' 43" E., 44.72 feet; S. 84° 24' 02" E., 102.49 feet; N. 60° 31' 27" E., 132.10 feet; N. 43° 08' 07" E., 152.11 feet; N. 57° 08' 39" E., 57.14 feet; N. 38° 59' 28" E., 162.11 feet; N. 30° 41' 59" E., 37.22 feet; N. 43° 21' 48" E., 74.28 feet; N. 34° 11' 10" E., 256.28 feet; N. 04° 08' 41" W., 69.18 feet; N. 36° 01' 39" W., 95.21 feet; N. 33° 58' 03" E., 114.55 feet; N. 19° 30' 57" E., 83.81 feet; N. 81° 23' 04" E., 133.51 feet; N. 59° 02' 10" E., 174.93 feet; N. 41° 54' 21" E., 52.40 feet; N. 86° 47' 05" E., 178.28 Feet; S. 74° 09' 32" E., 377.33 feet; N. 83° 20' 19" E., 137.93 feet; N. 89° 43' 47" E. 425.00 feet; N. 50° 06' 53" E., 460.04 feet; N. 02° 27' 33" E., 163.15 feet; N. 21° 10' 33" E., 238.08 feet; N. 37° 00' 38" E., 162.80 feet; N. 66° 26' 52" E., 65.09 feet; N. 11° 18' 36" E., 45.89 feet; N. 20° 28' 20" W., 80.06 feet; N. 05° 48' 24" E., 59.30 feet; N. 38° 50' 31" W. 546.52 feet to a point on the Ordinary High Water Mark of the southerly bank of the Klamath River the coordinates of said point being X = 1,447,537.00 and Y = 803,000.00, thence N. 20° 35' 30" W., 562.97 feet to a point on the Mean High Tide Line of the northerly bank of the Klamath River; thence downstream along the said Mean High Tide Line S. 63° 00' 44" W., 121.20 feet; N. 70° 58' 28" W., 61.35 feet; S. 70° 49' 16" W., 97.41 feet;

S. 83° 46' 27" W., 110.65 feet; N. 89° 35' 27" W., 140.00 feet; S. 79° 04' 14" W., 147.68 feet; S. 73° 14' 15" W., 173.37 feet; S. 68° 22' 46" W., 176.41 feet; S. 49° 45' 49" W.,51.09 feet; S. 77° 29' 46" W., 498.83 feet; N. 85° 50' 25" W., 55.15 feet; S. 59° 32' 04" W., 59.17 feet; S. 74° 16' 24" W., 287.77 feet; S. 57° 44' 43" W., 121.80 feet; S. 79° 01' 56" W., 131.40 feet; S. 85° 02' 18" W., 624.34 feet; S. 87° 58' 22" W., 113.07 feet; N. 85° 33' 48" W., 116.35 feet; S. 87° 09' 28" W., 141.17 feet; N. 87° 42' 34" W., 500.40 feet; S. 88° 22' 30" W., 141.06 feet; N. 77° 33' 11" W., 227.34 feet; S. 75° 00' 04" W., 115.95 feet; N. 73° 27' 55" W., 133.52 feet; N. 84° 55' 35" W., 214.84 feet; N. 69° 40' 13" W., 296.47 feet; N. 87° 02' 09" W., 309.41 feet; N. 74° 22' 40" W., 219.09 feet; N. 59° 54' 21" W., 101.71 feet; thence leaving the Mean High Tide Line of the northerly bank of the Klamath River S. 01° 59' 12" W., 1,009.61 feet to the point of beginning, excepting therefrom the lands described in Parcel Two hereinbelow. Basis of bearings is California Coordinate System, Zone 1.

PARCEL TWO. Those tide and submerged lands in Del Norte County beginning at a point on the Ordinary High Water Mark of the southerly bank of the Klamath River that bears S. 36° 24' 30" W., 3,064.18 feet; and N. 80° 02' 31" E., 133.00 feet, from the corner common to Sections 10, 11, 14 and 15, T. 13 N., R. 1 E., Humboldt Meridian, the California Coordinate System, Zone 1 coordinates of said point of beginning being X = 1,442,116.00 and Y = 802,250.00, thence from said point of beginning along the Ordinary High Water Mark of the southerly side of Taylor Island S. 45° 00' 00" W., 24.04 feet; S. 17° 49' 08" E., 29.41 feet; S. 39° 38' 39" E., 45.45 feet; S. 14° 08' 58" E., 245.45 feet; S. 01° 01' 23" W., 112.02 feet; S. 12° 05' 41" W., 71.59 feet; S. 04° 08' 41" W., 138.36 feet; S. 08° 29' 21" W., 67.74 feet; S. 13° 23' 33" E., 43.17 feet; S. 29° 19' 13" E., 83.73 feet; S. 73° 25' 34" E., 87.64 feet; S. 12° 35' 15" E., 164.98 feet; S. 12° 01' 50" N., 124.74 feet; S. 34° 17' 13" E., 159.76 feet; S. 29° 40' 59" E., 115.10 feet; S. 45° 00' 00" E., 125.87 feet; S. 81° 15' 14" E., 105.22 feet; S. 52° 21' 09" E., 309.43 feet; S. 71° 40' 44" E., 159.06 feet; N. 81° 31' 44" E., 95.04 feet; S. 59° 35' 04" E., 233.08 feet; S. 78° 16' 01" E., 132.77 feet; N. 87° 39' 11" E., 122.10 feet; to a point which bears N. 39° 13' 27" W., 163.29 feet from a meander post common to Sections 14 and 15, which in turn bears N. 01° 35' 39" E., 839.65 feet from a point common to Sections 14, 15, 22 and 23; thence continuing along the ordinary High Water Mark of the southerly side of Taylor Island N. 75° 13' 32" E., 188.22 feet; S. 71° 39' 48" E., 184.30 feet; S. 78° 05' 05" E., 111.40 feet; N. 80° 54' 35" E., 75.95 feet; S. 83° 17' 25" E., 102.70 feet; S. 56° 31' 07" E., 152.27 feet; S. 76° 13' 42" E., 105.02 feet; N. 69° 23' 36" E., 133.54 feet; S. 77° 18' 38" E., 154.78 feet; N. 88° 46' 04" E., 186.04 feet; N.

67° 33' 03" E., 180.69 feet; S. 61° 17' 38" E., 47.89 feet; S. 84° 24' 02" E., 102.49 feet; N. 60° 31' 27" E., 132.10 feet; N. 43° 56' 56" E., 154.18 feet; N. 26° 57' 08" E., 66.19 feet; N. 45° 16' 08" E., 150.62 feet; N. 50° 23' 22" E., 37.64 feet; N. 43° 21' 48" E., 74.28 feet; N. 34° 11' 10" E., 256.28 feet; N. 04° 09' 01" W., 69.18 feet; N. 36° 01' 39" W., 95.21 feet; N. 33° 58' 03" E., 114.55 feet; N. 19° 30' 57" E., 83.82 feet; N. 65° 48' 46" E., 129.36 feet; N. 59° 02' 10" E., 174.93 feet; N. 83° 01' 08" E., 49.37 feet; N. 86° 47' 05" E., 178.28 feet; S. 74° 09' 32" E., 377.33 feet; N. 83° 20' 19" E., 137.93 feet; N. 64° 34' 43" E., 470.56 feet; N. 50° 06' 53" E. 460.04 feet; N. 19° 16' 28" E. 172.68 feet; N. 09° 12' 40" E., 224.90 feet; N. 37° 00' 38" E., 162.80 feet; N. 66° 26' 52" E., 85.09 feet; N. 11° 18' 36" E., 45.89 feet; N. 20° 28' 20" W., 80.05 feet; N. 05° 48' 24" E., 59.30 feet; N. 38° 50' 31" W., 540.52 feet; a point on the Mean High Tide Line of the South bank of the Klamath River, the coordinates of said point being X = 1,447,537.00 and Y = 803,000.00; thence along the Mean High Tide Line of the southerly bank of the Klamath River, being also the northerly bank of Taylor Island, S. 77° 28' 16" W., 193.61 feet; S. 84° 20' 26" W., 111.54 feet; S. 69° 18' 57" W., 104.75 feet; S. 65° 03' 39" W., 81.30 feet; S. 76° 10' 17" W., 66.94 feet; S. 79° 38' 27" W., 94.54 feet; S. 74° 16' 51" W., 487.22 feet; S. 71° 20' 36" W., 653.33 feet; S. 87° 03' 52" W., 195.26 feet; N. 74° 13' 09" W., 47.80 feet; S. 72° 03' 02" W., 74.63 feet; S. 81° 44' 26" W., 125.30 feet WEST, 84.00 feet; S. 63° 50' 18" W., 63.51 feet; S. 76° 40' 07" W., 216.84 feet; S. 88° 59' 42" W., 57.01 feet; S. 76° 44' 28" W., 257.53 feet; S. 15° 56' 43" W., 43.68 feet; N. 85° 36' 05" W., 143.42 feet; S. 71° 00' 12" W., 64.51 feet; N. 88° 37' 34" W., 542.16 feet; S. 86° 17' 37" W., 495.04 feet; S. 81° 01' 39" W., 57.71 feet; S. 86° 29' 22" W., 489.92 feet; N. 85° 28' 48" W., 253.79 feet; N. 88° 58' 15" W., 167.03 feet; N. 82° 16' 17" W., 141.28 feet; N. 85° 19' 59" W., 98.33 feet; S. 66° 56' 55" W., 51.08 feet to the point of beginning, containing 209.25 acres, more or less. Basis of bearings is California Coordinate System, Zone 1.

2. Defendants Ward Redwood Company, Ross R. Vermillion and Sadie Vermillion have no right, title, interest, claim or estate whatever in the said property and said defendants and all persons claiming under them are hereby enjoined and debarred from claiming or asserting any estate, right, title, interest in, or claim or lien upon said property or any part thereof.

3. Plaintiff will recover his costs of suit incurred herein from defendant Ward Redwood Company.

DATED: March 20, 1962

Judge of the Superior Court

United States Department of the Interior
OFFICE OF THE SOLICITOR
SACRAMENTO REGION
2800 COTTAGE WAY
ROOM E-2753
SACRAMENTO, CALIFORNIA 95825

Personnel
Budget
Finance
P & B
Housing
Comm. Serv.
Empl. Asst.
Forestry
Realty
Appraisal
Programs
Ind. Dev.
Land Oper.
Roads

November 12, 1974

Memorandum

To: Area Director, Bureau of Indian Affairs
Attention: Area Land Operations Officer

From: Regional Solicitor

Subject: Ownership of the bed of the Klamath River adjacent to the Resighini Rancheria

The preliminary report of the Area Land Operations Officer which accompanied your memorandum of October 24, 1974, concluded that the beneficiaries of the Klamath River Reservation have title to the bed of the Klamath River. Further investigation undertaken by this office reveals that a claim of ownership of the riverbed by inhabitants of the reservation is not strongly supportable in view of the limited evidence available to us.

The Area Land Operations Officer relied in part on the ruling by the United States Supreme Court in the case of Donnelly v. United States, 228 U.S. 243, 260-264, as a basis for finding title to the bed to be held by the reservation. That portion of the decision which found in favor of the reservation Indians as to title of the riverbed was grounded upon a ruling by the Court that the Klamath River was non-navigable at the time of California's entry in 1850 as a state of the Union. Hence, title was thought to have remained in the United States under principles of the common law. The Court readdressed itself to this question upon consideration of a motion for a rehearing of the decision reached in the Donnelly case. At that time the Court decided that the issue of navigability of the Klamath had not been sufficiently argued to justify the Court's ruling on this issue. However, since this issue was peripheral to the main thrust of the case and not of sufficient import to upset the decision, the Court refused the request for rehearing of the entire matter and instead recalled that portion of the opinion dealing with navigability of the Klamath, thus leaving unresolved the question of title to the riverbed. See Donnelly v. United States, 228 U.S. 708, 711.

California, upon admission to the Union on September 9, 1850, obtained title to all land under navigable waters. The State holds those lands subject to a public trust for commerce, navigation, and fishing purposes. An exhaustive historical study would be needed to confirm that the Klamath was navigable at the time of California's admission as a state. However, it is undisputed that the river is now and has been for some time recognized as navigable by the State. See California Harbors and Navigation Code, § 103. This means that there can be no usurpation of the river or a portion thereof for private utilization without first obtaining State approval. This position is set out in a recent California Attorney General's Opinion, wherein it is stated:

> "Regardless of whether the underlying bed is in public or private ownership, there is an easement in the public for navigation and the incidents of navigation, such as boating, fishing, swimming, hunting, and other recreational uses, in those California streams which are navigable in fact. People ex rel. Baker v. Mack, 19 Cal. App.3d 1040, 1045, 1048, 1050, 1051 (1971); Bohn v. Albertson, 107 Cal. App.2d 738, 742 (1951). The question is not whether the stream was navigable on September 9, 1850, when California was admitted to the Union (a question relevant to the title issue), but whether the stream is currently navigable, since navigability for purposes of the public navigational easement may arise later. Bohn v. Albertson, supra, at 742-743."
>
> 55 Ops. Cal. Atty. Gen. 293, 294

Since it is probable that the State could substantiate its claim to title to the riverbed, we suggest that the appropriate members of the Resighini Rancheria look to the California Fish and Game Code, §§ 6510-6536 [new], wherein the procedures for the cultivation of oysters on allotted State water bottoms are set out.

Charles M. Renda
Regional Solicitor
Sacramento Region

William H. Wirtz
For the Regional Solicitor

cc: Superintendent, Hoopa Agency, Bureau of Indian Affairs

Supt &
Realty BZ

RICHARD B. DAVIS, L.S.
SURVEYING & AERIAL MAPPING
CALIFORNIA & OREGON
711 'H' Street, Crescent City, California 95531 (707) 464-4442

March 11, 1974

United States Department of the Interior
Bureau of Indian Affairs
Hoopa Agency
P.O. Box 367
Hoopa, California 95546

Gentlemen:

Enclosed are final topographic maps of that portion of the Ressighini Rancheria as specified in our order no. 4J52-0200091. Also enclosed is a sepia of our Record of Survey map filed in 1973 and one set of aerial photographs of the subject property.

— ? where

I realize how much longer it has taken to complete this project than first anticipated, but the weather this winter has been impossible. We have experienced approximately 90 inches of rainfall to date, and during the few brief periods of sunshine, the Klamath River was at near flood stage and covering some of the lower portions of the property.

The following information will be of significance in interpreting the maps and planning for use of the property.

TOPOGRAPHY

This land is characteristically flat river bottom land, and has been subject to severe flooding in past years, particularly 1955 and 1964. The southerly portion of the property lying immediately north of Klamath Beach road is covered by an extremely dense stand of small willow and alder trees. The ground under these trees consists of very broken silt deposits and the contours in this area must be considered as approximate. A considerable amount of field time was spent trying to gather sufficient information to present a reasonably accurate picture of the topography in this area.

TAYLOR ISLAND

I have shown on the maps the location of the land described by the State Lands Commission as Taylor Island. Also enclosed is a copy of the Decree Quieting Title to this land. I believe it is of significance that the action by the State to quiet title to this land failed to mention the United States as a defendant, but rather concentrated on Ward Redwood Company. This company owned lands lying adjacent to and westerly of the Rancheria. Perhaps you would wish to discuss this matter with your attorneys so that possibly the Rancheria could ultimately utilize this land.

RIVER ACTION

It should be noted that a portion of the Rancheria lands was cut away by river action during the high water of this past winter. The land lying at the northerly end of the gravel roadway shown on the east edge of sheets 3 and 4 has diminished by approximately 150 feet. The survey monument set by us in June of 1973 was washed away, and there is presently a vertical drop to the overflow channel of the river.

HORIZONTAL AND VERTICAL MAP CONTROL

The horizontal control for this mapping project is based on the California Coordinate System (Zone 1) grid bearings. As such all pertinent coordinated positions as shown on my Record of Survey filed in Book 6 of Maps, pages 143, 144, and 145 have been plotted on the map, as well as the boundaries of Taylor Island as described in "Parcel One" in the attached decree quieting title.

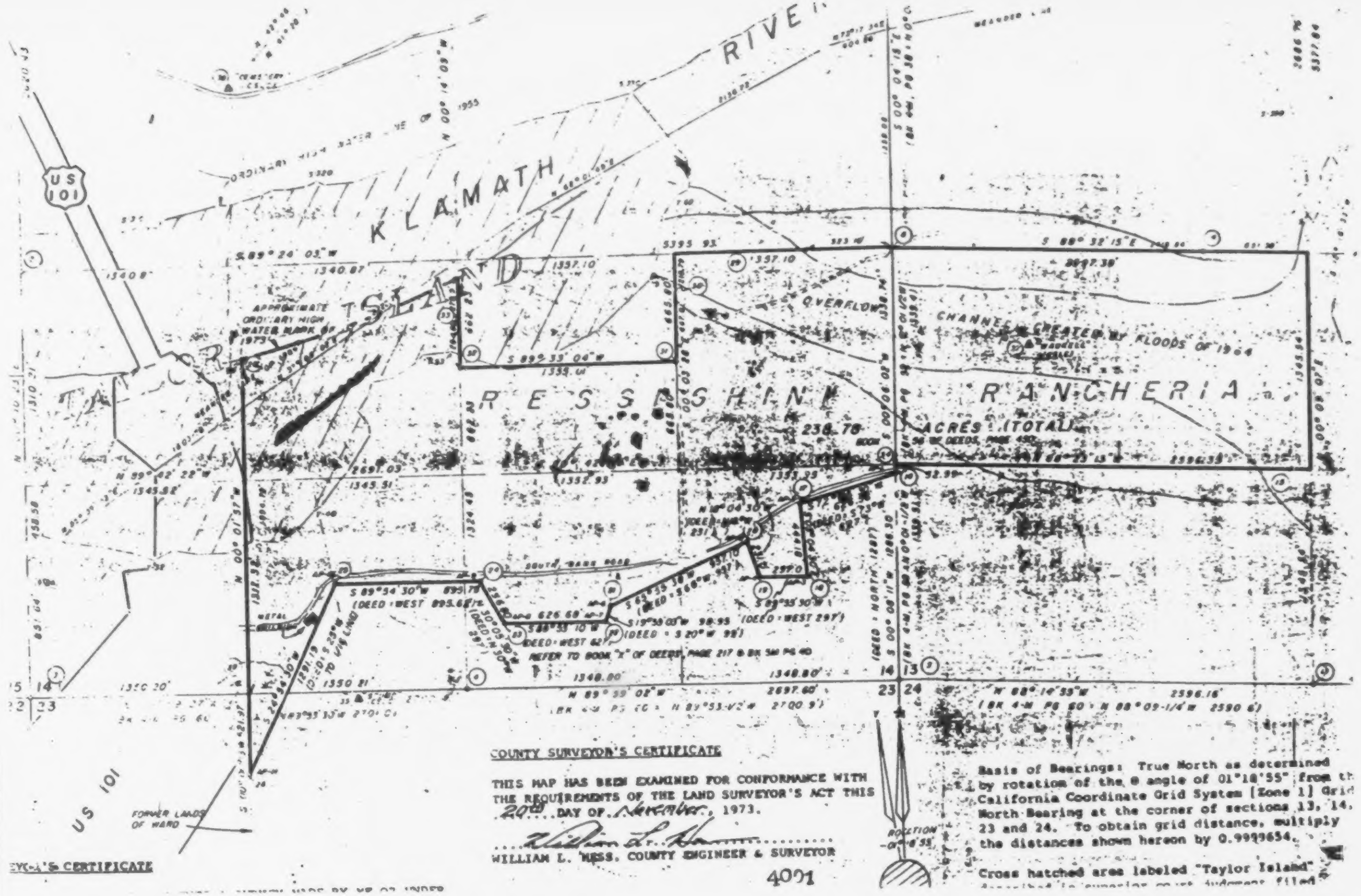
Vertical control is based upon California Department of Transportation (Caltrans) elevation points on the Klamath River bridge, and are related to mean sea level as determined by the U.S. Coast and Geodetic survey.

I trust these topographic drawings meet with your approval and satisfy your requirements for this project. If I can be of further help, please contact me.

Sincerely,

Richard B. Davis
Richard B. Davis

cc Mr. Jerry A. Riddell
Mr. Norman Tippeconnic


KLAMATH RIVER
ISLAND
RESSIGHINI RANCHERIA
238.76 ACRES (TOTAL)
CHANNEL CREATED BY FLOODS OF 1964
OVERFLOW
APPROXIMATE ORDINARY HIGH WATER MARK OF 1973
ORDINARY HIGH WATER LINE OF 1955
US 101
US 101
FORMER LANDS OF WARD
S 89° 24' 03" W
1340.87
1337.10
5395.93
S 88° 32' 15" E
2697.38
S 89° 33' 04" W
1335.41
1352.93
1333.95
1345.51
S 89°54'30"W 895.75
(DEED: WEST 895.68')
626.60
(DEED: WEST 627')
S 19°35'03"W 98.95 (DEED: S 20° W 98')
(DEED: WEST 297')
REFER TO BOOK "X" OF DEEDS, PAGE 217 & BK 541 PG 40
1348.80
1348.80
1350.81
N 89°59' 02" W 2697.60
(BK 4-M PG 60: N 89°53-1/2 W 2700.9')
N 88°14'33" W 2596.16
(BK 4-M PG 60: N 88°09-1/4 W 2590.6)
14 13
23 24
15 14
22 23
ROTATION -01°18'55"

COUNTY SURVEYOR'S CERTIFICATE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT THIS 20th DAY OF November, 1973.

William L. Hess

WILLIAM L. HESS, COUNTY ENGINEER & SURVEYOR

4001

Basis of Bearings: True North as determined by rotation of the θ angle of 01°18'55" from th California Coordinate Grid System [Zone 1] Gri North Bearing at the corner of sections 13, 14, 23 and 24. To obtain grid distance, multiply the distances shown hereon by 0.9999654.

Cross hatched area labeled "Taylor Island"

SYOR'S CERTIFICATE

```
DATE 12/12/89              DEL NORTE COUNTY, CALIFORNIA                          PAGE 1023
                             ** M A S T E R - I N D E X **                       TAR053
TAX    PARCEL NO     O W N E R S  N A M E                      C/O N A M E
AREA                 MAILING ADDRESS             CITY           ST ZIP     R E F.       ACRES
----------------------------------------------------------------------------------------------

51-31 140-130-07     MEGA NORTHWEST CORPORATION                 SUITE 405
                     2121 AVENUE OF THE STARS  LOS ANGELES       CA 90067   327-656      26.89
51-30 140-130-08     SIMPSON ACQUIRING COMPANY                  SIMPSON TIMBER COMPANY
                     900 FOURTH AVENUE         SEATTLE           WA 98104   336-782     182.02
51-31 140-130-09     SIMPSON REDWOOD COMPANY
                     P. O. BOX 1169            ARCATA            CA 95521   253-293      23.12
51-30 140-130-10     ~~SIMPSON REDWOOD COMPANY~~
                     P. O. BOX 1169            ARCATA            CA 95521   253-293     111.00
51-31 ~~140-130-11~~     ~~DEL NORTE, COUNTY OF~~
                                                                    00000   128-439      17.50
51-30 140-130-12     SIMPSON ACQUIRING COMPANY                  SIMPSON TIMBER COMPANY
                     900 FOURTH AVENUE         SEATTLE           WA 98104   336-782      22.11
51-31 140-130-13     ~~SIMPSON REDWOOD COMPANY~~
                     P. O. BOX 1169            ARCATA            CA 95521   253-293      11.00
[redacted]
51-31 140-130-15     NESBITT, DOROTHEA ELLEN
ET-AL                P. O. BOX 159
ET-AL 001            BLAKE, RICHARD CARL       KLAMATH           CA 95548   273-447       1.60
ET-AL 002            BLAKE, ROY
ET-AL 003            ~~NESBITT, JEANETTE BLAKE~~
ET-AL 004            NESBITT, LORI LEE

51-30 140-130-16     SIMPSON REDWOOD COMPANY
                     P. O. BOX 1169            ARCATA            CA 95521   253-293      75.00
51-31 140-130-17     NESBITT, DOROTHEA ELLEN
ET-AL                P. O. BOX 159
ET-AL 001            BLAKE, RICHARD CARL       KLAMATH           CA 95548   273-487      18.75
ET-AL 002            BLAKE, ROY
ET-AL 003            NESBITT, JEANETTE BLAKE
ET-AL 004            NESBITT, LORI LEE

51-31 140-130-18     AGNEW, DAN J.                              THE AGNEW COMPANY
                     P. O. BOX 379             CENTRALIA         WA 98531   201-162      73.75
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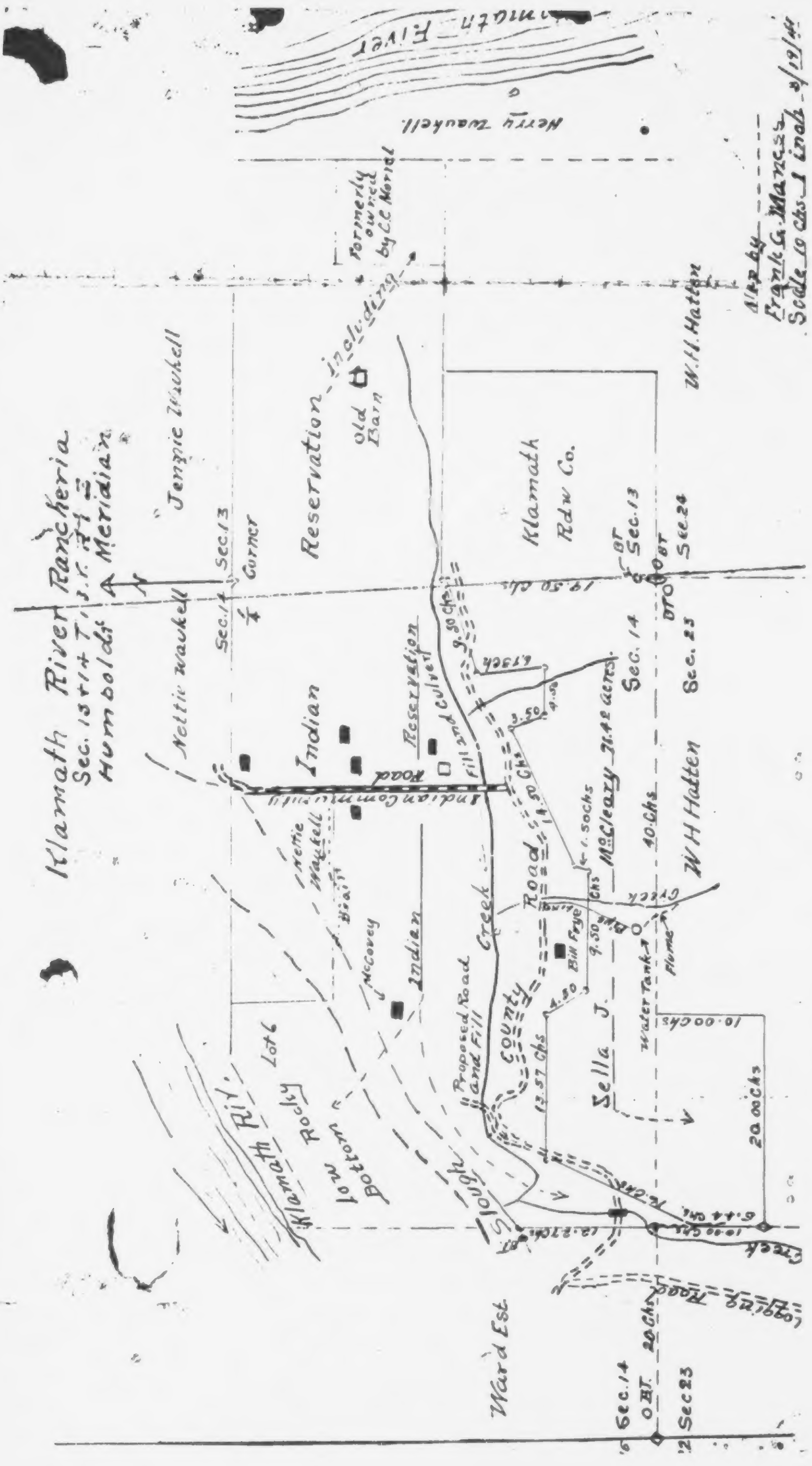
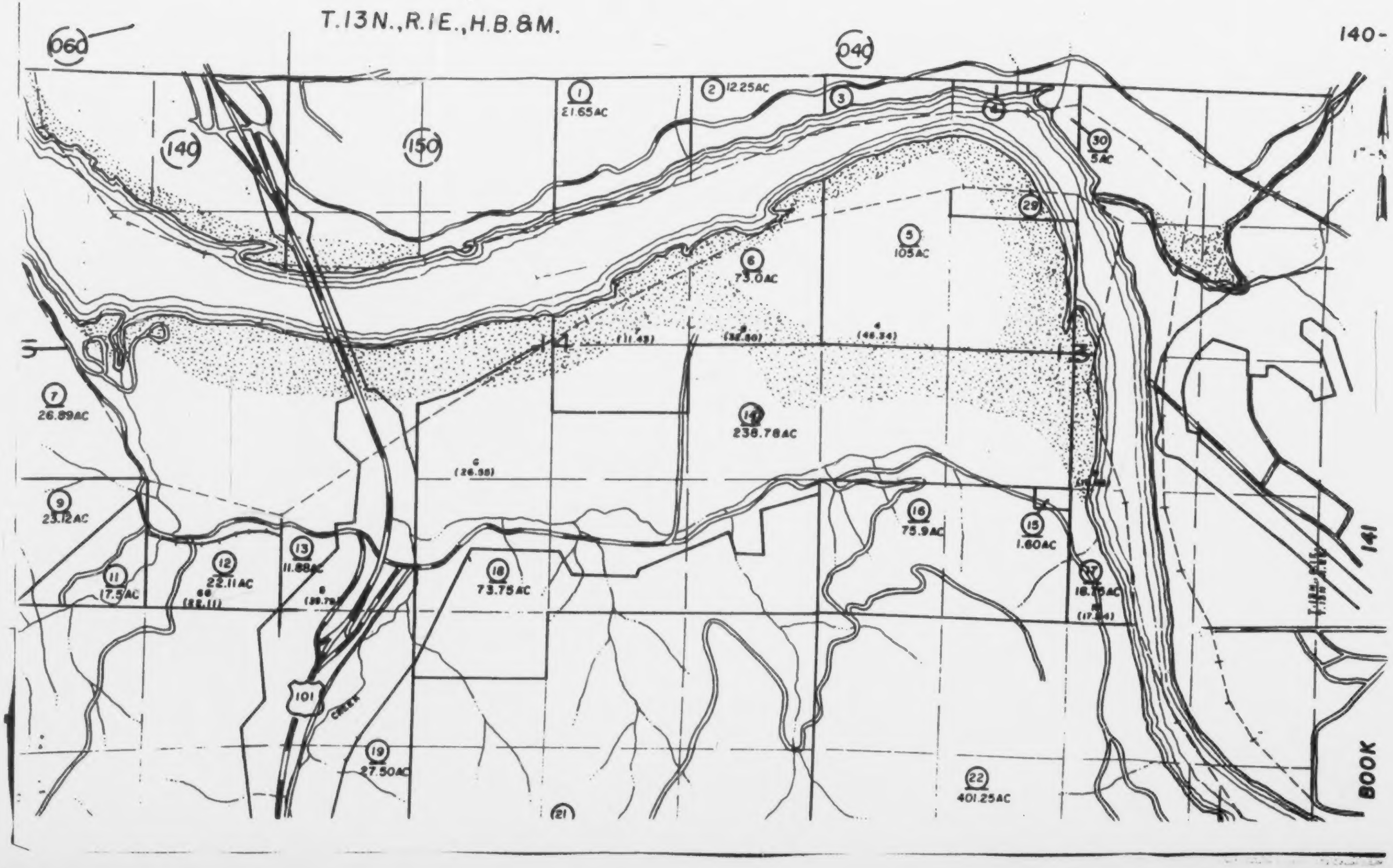

Klamath River Rancheria
Sec. 13 + 14 T. 13 N. R. 1 E.
Humboldt Meridian
N
Jennie Waukell
Nettie Waukell
Sec. 13
Sec. 14
1/4 Corner
Reservation including
Old Barn
Formerly owned by C.C. Merrel
Klamath River
Henry Waukell
Indian
Reservation
Indian Community Road
Fill and Culvert
9.50 Chs
14.50 Chs
6.75 Chs
3.50
Klamath Rdw Co.
19.50 Chs
Sec. 13
Sec. 24
Sec. 14
Sec. 23
W.H. Hatten
W.H. Hatten
McCleary 31.42 Acres
1.50 Chs
40 Chs
Creek
County Road
Slough
Proposed Road and Fill
Bill Frye
9.50 Chs
4.80
13.57 Chs
Water Tank
Flume
Sella J.
10.00 Chs
20.00 Chs
6.44 Chs
10.00 Chs
12.37 Chs
McCovey
Indian
Nettie Waukell
Lot 6
Rocky
low Bottom
Klamath Riv.
Ward Est.
Sec. 14
Sec. 23
20 Chs
County Road
Creek
Map by
Frank G. Maness
Scale 10 Chs. 1 inch 8/19/44


T.13N., R.1E., H.B.&M.
060
040
140-
140
150
141
BOOK
1
21.65AC
2 12.25AC
3
4
30
5AC
29
5
105AC
6
73.0AC
7
(11.49)
8
(32.80)
4
(46.34)
14
13
14
238.78AC
6
(26.98)
7
26.89AC
9
23.12AC
11
17.5AC
12
22.11AC
6B
(22.11)
13
11.88AC
8
(38.79)
18
73.75AC
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75.9AC
15
1.60AC
17
19
27.50AC
22
401.25AC
21
101
CREEK

FORM NO. 5-1[illegible]

TITLE STATUS REPORT

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Realty

I

ALLOTMENT OR TRACT NUMBER	RESERVATION CODE	RESERVATION NAME	NAME OF ORIGINAL ALLOTTEE	PAGE NO.
T	556	RESIGHINI RANCHERIA	PURCHASED LAND - NOT ALLOTTED	1

ALLOTMENT AND AMENDATORY ACTS	ALLOTMENT SCHEDULE APPROVED	PATENT	NUMBER	DATE
		TRUST RESTRICTED FEE		

DESCRIPTION OF REALTY INTERESTS CURRENTLY UNDER JURISDICTION OF B I A

SECTION	TOWNSHIP	RANGE	MER.	COUNTY	STATE	NE	NW	SW	SE	ACRES	REMARKS
13	13N	1E	HM	DEL NORTE	CAL			X X — 6 0	X 0 0 0	8000 14768	SWSE + PTS SSE +
14	13N	1E	HM	DEL NORTE	CAL						SESW
23	13N	1E	HM	DEL NORTE	CAL		0			45	PT NNENW
										22813	TOTAL

LEGAL (NARRATIVE) DESCRIPTION The north half of the southwest quarter of section 13, Lot 6, the southeast quarter of the southwest quarter, the
northeast quarter of the southeast quarter, the south half of the northwest quarter of the southeast quarter and the south half of the
southeast quarter of section 14, and the north half of the northeast quarter of the northwest quarter of section 23, all in Township
13 North, Range 1 East, Humboldt Meridian, Del Norte County, California,
EXCEPTING therefrom a 78.42-acre parcel described as follows: Commencing at the section corner common to sections 13, 14, 23,
and 24, Township 13 North, Range 1 East, and running thence true courses, North 19.50 chains; thence South 73° West 9.50 chains;
thence South 5° East 6.73 chains; thence West 4.50 chains; thence North 18° West 3.50 chains; thence South 66° West 14.50 chains;
thence South 20° West 1.50 chains; thence West 2.50 chains to a redwood stake 4 inches square marked R; thence West 7.00 chains;
thence North 30° West 4.50 chains; thence West 13.57 chains; thence South 25° West 16.00 chains to the land of Ward; thence
along same South 5.44 chains to corner of Indian allotment of Frank Isle; thence East 20.00 chains along said allotments; thence
North 10.00 chains along said allotment; thence East 40.00 chains to the place of beginning,
containing an aggregate of 228.13 acres, more or less, after the above exception.

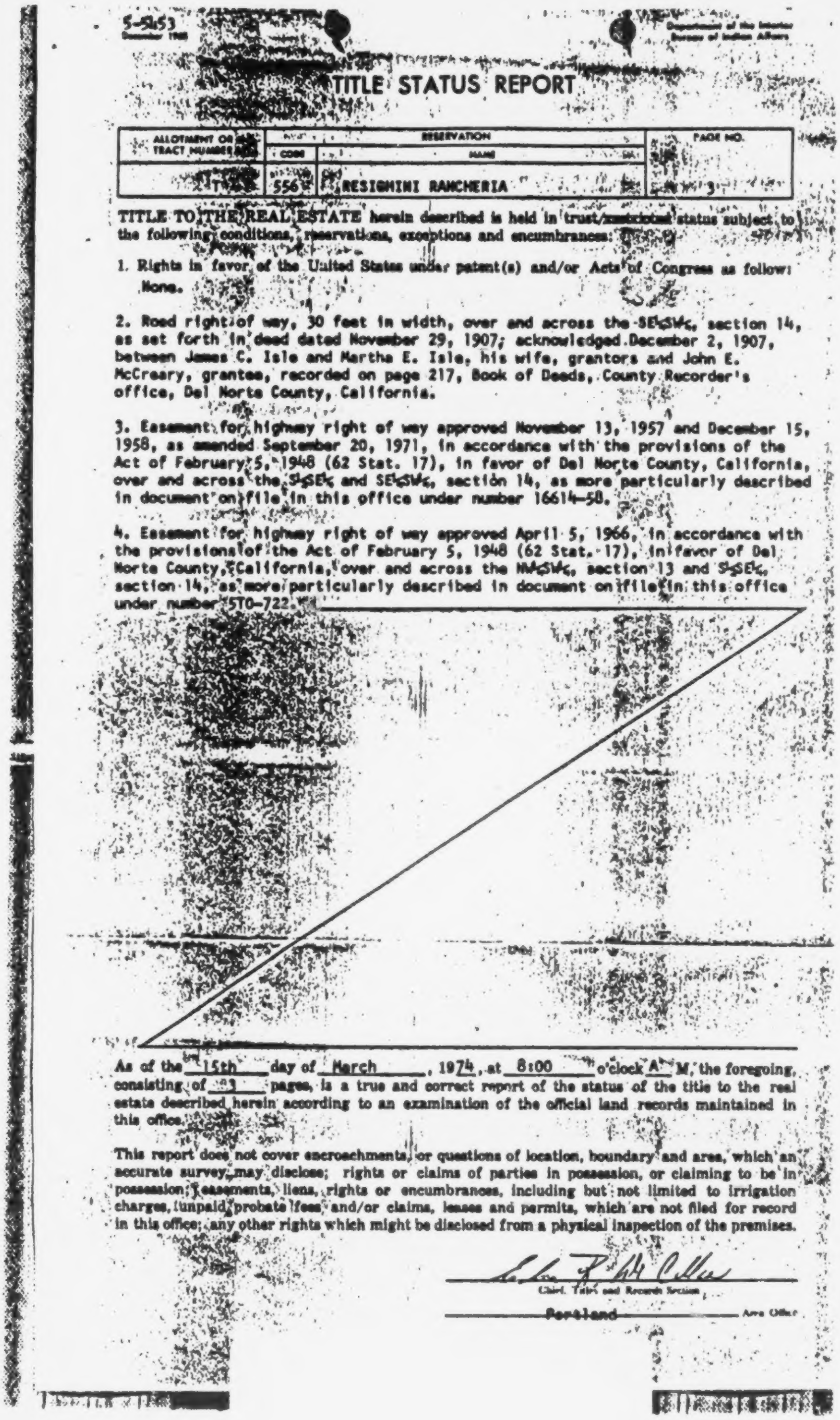
TITLE STATUS REPORT

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

ALLOTMENT OR TRACT NUMBER	RESERVATION CODE	RESERVATION NAME		PAGE NO.
T	556	RESIGHINI RANCHERIA	[redacted]	2

INDIVIDUAL OR TRIBAL OWNERSHIP AND SHARES

IND. CODE	IDENTIFICATION NUMBER	NAMES	FRACTIONAL INTERESTS AS ACQUIRED NUMERATOR	FRACTIONAL INTERESTS AS ACQUIRED DENOMINATOR	CONVERTED TO L.C.D. NUMERATOR	CONVERTED TO L.C.D. DENOMINATOR	DECIMAL INTERESTS	SOURCE DOCUMENTS TYPE	SOURCE DOCUMENTS NUMBER
556	556-10	THE INDIANS OF DEL NORTE AND HUMBOLDT COUNTIES, CALIFORNIA, ELIGIBLE TO PARTICIPATE IN THE BENEFIT OF THE ACT OF JUNE 18, 1934 (48 STAT 984), SO DESIGNATED BY THE SECRETARY OF THE INTERIOR	1	1	1	1	1.0000000	10	294 —
					1	1	1.0000000		



5-5153

Department of the Interior
Bureau of Indian Affairs

TITLE STATUS REPORT

ALLOTMENT OR TRACT NUMBER	RESERVATION CODE	RESERVATION NAME	PAGE NO.
T-[illegible]	556	RESIGHINI RANCHERIA	3

TITLE TO THE REAL ESTATE herein described is held in trust/~~restricted~~ status subject to the following conditions, reservations, exceptions and encumbrances:

1. Rights in favor of the United States under patent(s) and/or Acts of Congress as follow: None.

2. Road right of way, 30 feet in width, over and across the SE¼SW¼, section 14, as set forth in deed dated November 29, 1907; acknowledged December 2, 1907, between James C. Isle and Martha E. Isle, his wife, grantors and John E. McCreary, grantee, recorded on page 217, Book of Deeds, County Recorder's office, Del Norte County, California.

3. Easement for highway right of way approved November 13, 1957 and December 15, 1958, as amended September 20, 1971, in accordance with the provisions of the Act of February 5, 1948 (62 Stat. 17), in favor of Del Norte County, California, over and across the S½SE¼ and SE¼SW¼, section 14, as more particularly described in document on file in this office under number 16614-58.

4. Easement for highway right of way approved April 5, 1966, in accordance with the provisions of the Act of February 5, 1948 (62 Stat. 17), in favor of Del Norte County, California, over and across the NW¼SW¼, section 13 and S½SE¼, section 14, as more particularly described in document on file in this office under number 5TO-722.

As of the 15th day of March, 1974, at 8:00 o'clock A M, the foregoing, consisting of 03 pages, is a true and correct report of the status of the title to the real estate described herein according to an examination of the official land records maintained in this office.

This report does not cover encroachments, or questions of location, boundary and area, which an accurate survey may disclose; rights or claims of parties in possession, or claiming to be in possession; easements, liens, rights or encumbrances, including but not limited to irrigation charges, unpaid probate fees, and/or claims, leases and permits, which are not filed for record in this office; any other rights which might be disclosed from a physical inspection of the premises.

Chief, Title and Records Section

Portland Area Office

OFFICE OF INDIAN AFFAIRS
RECEIVED
APR 11 1939
22738

WARRANTY DEED

This Deed made the 7th day of January 1938, by GUS RESSIGHINI, a single man, also known as August Ressighini, and also called Gus Russighini, the Grantor, to THE UNITED STATES in Trust for such Indians of Del Norte and Humboldt Counties, in California, eligible to participate in the benefits of the Act of June 18 1934 (48 Stat. L., 984), as shall be designated by the Secretary of the Interior, the Grantee;

WITNESSETH: that said Grantor in consideration of THIRTY-NINE THOUSAND FIVE HUNDRED TWENTY and no/100 ($39520.00) DOLLARS, to him paid, the receipt whereof is hereby acknowledged does hereby grant, bargain, sell and convey unto said Grantee, its successors and assigns, forever, all that real property situated in the County of Del Norte, State of California, bounded and described as follows, to wit:

The north half of the southwest quarter of Section 13;

The south half of the southeast quarter; the northeast quarter of the southeast quarter; the south half of the northwest quarter of the southeast quarter; the southeast quarter of the southwest quarter and Lot 6 of Section 14;

The north half of the northeast quarter of the northwest quarter of Section 23.

All in Township 13 North of Range 1 East, Humboldt Meridian.

EXCEPTING therefrom that portion thereof containing 78.42 acres heretofore conveyed to John E. McCreary by deed of record in Book X of Deeds page 217, Del Norte County Records.

TOGETHER WITH ALL THE TENEMENTS, HEREDITAMENTS and APPURTENANCES thereunto belonging.

AND said grantor, for himself, his heirs and assigns hereby covenants with said grantee, its successors and assigns, that said grantor is lawfully seized in fee-simple of the above described premises; that he has a good right to convey; that said premises are free from all incumbrances; that said grantee and its successors and assigns shall quietly enjoy the same without lawful disturbance; and that said grantor, and his heirs or assigns will forever warrant and defend all of said property so granted to the said grantee, its successors and assigns against every person lawfully claiming the same.

IN WITNESS WHEREOF, said Grantor has hereunto subscribed his name the day and year first above written.

Gus Ressighini

STATE OF CALIFORNIA, :
: ss
County of Humboldt. :

On this 9th day of February 1938, before me, E. S. Mitchell a Notary Public in and for said County, personally appeared GUS RESSIGHINI, a single man, also known as August Ressighini and also called Gus Russighini, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Witness my hand and official seal,

E. S. Mitchell
Notary Public

APR 1 4 1989

DENNIS G. CHAPPABITTY
ATTORNEY AT LAW
2417 FRONT STREET
WEST SACRAMENTO, CA 95691
(Temporary Address)
PHONE (916) 373-0261 FAX (916) 373-0352

April 13, 1989 **SENT VIA TELEFAX**

Honorable Senator Daniel Inouye, Chairman
Senate Committee on Indian Affairs
Attn: Elva Arqueo, Chief Clerk
838 Hart Building
Washington, D.C. 20510

RE: Request To Submit Testimony At Hearings To Be Held On April 28, 1989 In Sacramento, CA At The General Session

Dear Senator Inouye:

I am the attorney for Elaine Frease, former Chairperson of the Rumsey Indian Rancheria, in two (2) 25 CFR Part 2 Appeals addressing the failure of the Sacramento Area Office and Central California Agency to execute their federal trust obligation to the Band in the areas of 1) bingo management contract approval and 2) interfering in internal tribal affairs by invalidating tribal meetings. Related to these appeals are the actions of both the Agency and Area Office in effectively denying the Rancheria its choice of counsel.

It is reasonable to infer that the problems experienced by Mrs. Frease while Chairperson are related to the conduct of bingo on Rancheria lands. The situation is extraordinary in that Federal officials watched as outside bingo interest effectively, but illegally, subverted the Rancheria government to meet their needs and these officials did nothing protect the Rancheria and readily violated basic federal trust principles to put into place a tribal leadership influenced by these outside interest.

The specific areas of testimony will relate to the following:

1) Interference by the BIA into internal tribal affairs by invalidating tribal meetings;

2) Approving a bingo management agreement when it was aware of interference by the Tribe's bingo hall manager into internal tribal affairs; and

3) Denying the Tribe its choice of counsel so that it could not prevent the subversion of its tribal government by outside bingo interest.

Letter to Senator Inouye
April 13, 1989

Page -2-

With the passage of the Indian gaming legislation, the testimony of Mrs. Frease is significant in its relation to the improper conduct of the BIA in areas that could negatively affect the best interest of all Tribes if they are not corrected or placed up for public scrutiny.

It should be noted that Virginia Boylan, of your staff, is thoroughly familiar with this case and she suggested that we testify as we may not be able to attend the second set of hearings to be held by the Senate Committee on Investigations.

On behalf of my client, we look forward to a positive reply that could be sent by Telefax due the hearings being held within the next few weeks.

Sincerely,

Dennis G. Chappabitty
Attorney at Law, OBA #1617

cc Elaine Frease
Virginia Boylan

FIELD HEARING BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS

ON

ISSUES OF CONCERN TO CENTRAL & NORTHERN CALIFORNIA INDIAN TRIBES

APRIL 28, 1989
3:15 p.m. to 5:30 p.m.
SACRAMENTO, CALIFORNIA

TESTIMONY ON BEHALF OF

ELAINE FREASE, FORMER CHAIRPERSON

RUMSEY INDIAN RANCHERIA

AND

BESSEY VILLALOBOS, FORMER TREASURER

RUMSEY INDIAN RANCHERIA

DELIVERED BY: LINDA AMELIA FOR DENNIS G. CHAPPABITTY, ATTORNEY

FOR ELAINE FREASE AND BESSEY VILLALOBOS

SUPPORTING TESTIMONY DELIVERED BY: LT. GERALD E. SHADINGER
CRIMINAL DIVISION
YOLO COUNTY SHERIFFS DEPARTMENT

OPENING STATEMENT

I am Elaine Frease, the former Chairperson of the Rumsey Indian Rancheria, a small band of 35 Wintun Indians located about 48 miles from Sacramento, in Yolo County.

I originally requested my attorney, Dennis Chappabitty, a Comanche Indian from Oklahoma to deliver this testimony on my behalf and on behalf of other tribal members, however, he had to return to Oklahoma. I have asked his legal assistant, Linda Amelia, to give our testimony.

I am also thankful that Lt. Gerald Shadinger from the Yolo County Sheriff's Department could be present today to tell you about his opinion of what has happened at Rumsey Rancheria.

Thank you for your consideration and patience.

My name is Linda Amelia. I am a member of the Cowlitz and Chinook Tribes in Washington State. As mentioned by Mrs. Frease, I will be delivering the testimony today as Mr. Chappabitty is in his resident State of Oklahoma. For the record, I would like to correct the Witness List as it lists Dennis Chappabitty, Attorney, as the former Chairperson of the Rumsey Indian Rancheria. Mr. Chappabitty currently represents Mrs. Frease and Mrs. Villalobos as the former Chairperson and Treasurer, respectively, on several appeals currently before the Interior Board of Indian Appeals.

On behalf of Elaine Frease, former Chairperson, and Bessey Villalobos, former Treasurer, of the Rumsey Indian Rancheria from March of 1987 to April 1988, it is an honor to present this testimony. I am thankful for the opportunity to contribute to the effort of this Committee to identify and seek remedies to the problems and issues of concern which are being brought forth today.

Senator, earlier this week in Oklahoma, I understood that you said that Indian youth should be proud of themselves, their parents, tribes and their Indian heritage that is the legacy of countless ancestors and that tribes have a unique relationship with the United States based upon a government to government relationship that distinguishes Indian People from other minority groups. You often speak about pride, heritage, cultural identity and the federal trust responsibility within the context of the future of all Native Peoples, Indian, Alaskan, and Hawaiian. With the passage of the National Indian Gaming Act, bingo and other forms of gaming will play a key role in the future of those Tribes who choose to raise revenues in this way. If regulated by a Tribe, gaming can provide the means to strengthen the pride, heritage and cultural identity of its members. On the other hand, unregulated bingo creates situations ripe for power struggles and divided membership that waste valuable revenues meant for strengthening, not undermining, tribal sovereignty.

Since 1985, the Rumsey Rancheria has maintained a bingo hall operated by a management company. The hall has provided, on the average, over a million dollars annually to the Rancheria government. This sounds like a dream; but below the surface, bingo has undermined the Rancheria's sovereignty. The reason for this is the failure of the Bureau of Indian Affairs (BIA) to fulfill its federal trust obligation to the Rumsey Indian Rancheria, a small California Indian tribe with 35 members.

Elaine Frease was elected as Chairperson of the Rancheria in March of 1987 after she had taken action in the federal court on her concerns that tribal funds were being spent in violation of the Rancheria's Constitution and Bylaws. In fact, the accountant for the tribe estimated that between $300,000 and $700,000 was missing. A complaint was filed with the Yolo County Sheriff's Department which resulted in an ongoing investigation by the Interior Inspector General into the alleged embezzlement of these funds.

Because the Rancheria leadership previous to Mrs. Frease never made sure that the bingo manager was following the management contract and the ordinance regulating the game, Chairperson Frease directed Mr. Chappabitty and his co-counsel to advise the Executive Committee on how to do this. Both attorneys had been hired under a contract approved by the Community Council in February of 1987 and the Contract was sent to the BIA for review and approval.

Chairperson Frease requested clarification about a possible conflict of interest by the local co-counsel and due to this inquiry he improperly resigned. When the BIA was informed about his resignation, they told Mr. Chappabitty to "continue as before" and the tribe was to submit additional information. It should be noted that the improper resignation has resulted in a complaint to the State Bar of California and this investigation is also ongoing. When the BIA was informed about a possible conflict we are not aware that they ever looked into the matter. Further, this resignation resulted in several law suits to include one against the BIA.

The resignation of the co-counsel happened in the midst of increasing resistance by the bingo manager to stop the Executive Committee from conducting an independent audit of the bingo hall. Up to that time, no independent audit had been conducted by the Tribe. Although the attorney who resigned was given permission to represent the management in a state action, he refused to withdraw from the case after his resignation and even represented the management company in another case without the Tribes knowledge.

In July 1987, Mrs. Frease learned that the management company was discussing with another bingo firm a transfer of contract rights of the Rancheria bingo. When asked in August of 1987 if this was true, the manager denied it.

Shortly after this was found out the bingo manager began interpreting and applying tribal law to fit his needs. From September 1987 to April 1988, Chairperson Frease and Treasurer Villalobos sent numerous requests for help and technical assistance to the BIA in dealing with the interference. The BIA used the ridiculous excuse that it would not help because it could not get involved in internal tribal disputes. This was a case where the internal disputes were intentionally created by a bingo manager who wanted to transfer its interest in an unapproved contract. The BIA knew of this bold interference yet refused to come to the aid of a Tribe being slowly destroyed by big bingo interest and their attorneys.

The most glaring example of the BIA's failure was the disregard for a sworn affidavit by a local attorney that certain tribal members had been told by the manager's attorney to "boycott" meetings where action would be taken against the management company. The failure of the Area Director to look into the interference is now before the Board of Indian Appeals.

Frustrated, a quorum of the Executive Committee called a meeting of the Community Council on December 12, 1987, to terminate its relationship with the management company. The Tribe also reaffirmed this at the constitutionally mandated meeting on January 3, 1988. There was a boycott of both meetings by tribal members clearly influenced by the bingo manager and his attorneys. The BIA Agency Superintendent then quickly ruled that no quorum was present. This is the subject of another appeal which is before the Board of Indian Appeals. It was clear that, for some reason, the bingo manager had the support of the BIA. We have never seen such a quick decision by BIA.

It was then determined that the bingo manager had encouraged certain tribal members to sue Mr. Chappabitty and myself to stop the independent audit and other investigations. It was apparent that the co-counsel who resigned assisted in the planning and filing of the suit. Federal investigative agencies have been informed of this, but, they were not investigating bingo related matters at that time as it seemed a low priority.

Without the benefit of legal counsel, Chairperson Frease and Treasurer Villalobos faced a recall petition by tribal members controlled by the bingo manager that was prepared by the attorney who resigned. The Agency Superintendent quickly recognized the recall and again approved the attorney who just previously resigned.

Directly after this the Area Director conditionally approved the assignment of the bingo management contract to another firm. By now, it was evident that the BIA had some kind of interest to make sure that the bingo deal would not be stopped, even at the expense of the Tribe's sovereignty, pride and dignity.

Shortly thereafter, Mrs. Frease and Mrs. Villalobos learned that the new management company had agreed to pay the previous manager, then unapproved, the sum of $1.5 million dollars for the assignment. At a council meeting when both management groups were present, this payment was brought up and no clear answer was ever provided and the tribe was never fully informed about this payment while the tribe's attorney looked on. What can be done to make sure that no other Tribe's sovereignty, dignity and integrity is traded off so that everyone else but the Tribe reaps millions of dollars that go well over any investment they ever made?

The Indian Gaming Regulatory Act makes it a federal violation to gain approval of a management contract by interfering with or influencing tribal decision-making. Until the Gaming Commission is in full operation, the **BIA has a legal obligation to fully investigate allegations of interference.** The excuse that the BIA lacks the financial resources or manpower to execute their trust responsibility in the area of monitoring the contracts that they approve cannot hold.

Many years have passed since bingo first appeared on reservations and this excuse admits a failure to seek effective courses of action that would have allocated manpower and funding to prevent the kind of disaster that happened at the Rumsey Rancheria.

Immediate Congressional appropriations are called for if the gaming law is to be effective. Congress all to often has passed well meaning legislation like the Indian Child Welfare Act, for example, without adequate funding. Please don't let this be the case here.

The **BIA should be compiling data for the Commission to ensure a smooth transfer of responsibilities.** The Commission cannot waste time as there is a need in Indian country to have **immediate and effective regulation and firm enforcement of the Act is critical if the Commission is to succeed in its difficult task.**

The decisions by the Superintendent of the Central California Agency and the Area Director, in the bingo fiasco indicate that there was no independent decision-making up to the Assistant Secretary level. Even though the decisions violated every principle of the federal trust responsibility and the government-to-government relationship, they were routinely "rubber stamped" and approved. This only leads to the needless waste of taxpayer money to defend Agency and Area level decisions that were decided not on the basis of federal regulation, but, on the basis of the personal opinion of the Area Director on how he should bend the Code of Federal Regulations to execute the manner in which federal policy toward Indian Tribes should be carried out.

The Committee should recommend an immediate inventory of all decisions made at Area level which resulted in appeals to the Assis-

tant Secretary and then determine if the decisions were in line with the Code of Federal Regulations or made by the "buddy system" of "rubber stamping" capricious decisions that many career BIA officials seem to prefer.

The Secretary of the Interior must make a commitment to guarantee that his line officials at decision making levels will execute their legal duties to support the federal trust responsibility through reasonable application of regulations and federal Indian law. Those BIA officials who are presently complained about by tribal leaders because they do not respond by the letter of regulation should be looked at to see if they have violated federal rules of professional conduct or regulations and determine if they should continue to represent the United States in executing this Country's legal duty to its Indian people.

Most importantly, **this Committee and the Gaming Commission must understand that any staunch advocate for tribal interests may become influenced by the easy-to-get-rich-quick-come-on that gambling affords.** This includes tribal attorneys.

Finally, due to Mr. Chappabitty having to sue the BIA to declare his rights as the Tribe's attorney because the Area Director decided that he was somehow a resident without giving him notice and that he would have to be a member of the California Bar, all tribes in California who have attorneys from other states should be concerned because if the federal court decides in favor of the BIA then no California Tribe would be able to hire an out of state attorney, which is now a common practice.

California Tribes must be able to reach across state lines to retain counsel without any possibility of prior conflicts of interest. The kind of legal expertise to help tribes deal with gambling problems is often found on a national level not at state levels where expertise in Indian law is often lacking. Any other rule may lead, as it did at Rumsey, with a tribe retaining counsel who represents conflicting interests.

In summary, let us all hope that with a new Assistant Secretary and a new Area Director, all Tribes within the jurisdiction of the Sacramento Area Office will experience the "kinder and gentler nation" that has, up until now, passed us by. It serves no practical purpose to inflict senseless retribution for the past. It is time to concern ourselves with ensuring that the best interest of Indian people be met, and this must be this Committee's charge. Thank you.

CLOSING STATEMENT

I am Lt. Gerald Shadinger, with the Criminal Division of the Yolo County Sheriffs' Department.

My area of concerns about federal regulation and enforcement center around Indian Bingo. My experiences in the last 3 years in dealing with a current major embezzlement case, is the slow responsiveness by the appropriate federal agencies and their lack of expertise in Indian affairs.

Although local police agencies have primary jurisdiction in many instances, they lack the resources to conduct investigations across state lines.

Another area of major concern is the checks and balances of Indian bingo management companies. There is no spontaneous checks of premises or company officers by the federal agencies which invites current problems all counties are experiencing with Indian bingo.

A current on-going embezzlement case that I am aware of is going on its third year. If this were a local level case, it would have been investigated and adjudicated within the first year.

Thank you.

Testimony before Honorable David K. Inouye, Chairman, Senate Select Committee on Indian Affairs, oversight field hearing, April 28, 1989, Sacramento, California.

Honorable Chairman, David K. Inouye, Senate Select Committee on Indian Affairs, my name is Harold Dixon, Vice-Chairman of the Susanville, Rancheria, Susanville, California. My testimony centers around the issues of small tribes. The Susanville Rancheria is a federally recognized Indian Tribe, one of the 18 tribes under the jurisdiction of the Northern California Bureau Of Indian Affairs, Redding, California.

The Susanville Rancheria views the Amended P.L. 100-472 as an essential factor in the success of the policy of Indian self-determination in that it ensures tribes the opportunity to plan, participate and to manage programs appropriate to our diverse demographic, geographic, economic and institutional needs. According to the 1980 Census, there are 198,000 Indians living in the state of California. Our reservations/rancheria's range in size from twelve (12) mile square to small Half Acre Rancheria's, mainly a cemetary, with no residents.

Most of the small tribes are located awary from major metropolitan areas, often poor roads, lack of housing, water, sewer, etc.

Because of the diversity of small tribes, federal policies, in many instances rarely meet the needs of small tribes. It is imperative that Congress through the Bureau Of Indian Affairs (BIA) and Indian Health Service (IHS) must target and appropriate adequate funds to contract for federal Indian programs and services. To provide less than adequate funds, will cause financial hardship and prolong dependence on the federal government. To allow the under funding of BIA/IHS Programs that tribes contract for under the P.L. 93-638 is to lead small tribes down the pathway to programmatic failure.

We would like ~~to~~ the Select ~~a~~ Committee to consider discretionary funds or set aside funds for small tribes to compete with the larger tribe. The small tribes have received small considerations or none at all. For example, in 1989, the Hoopa Tribe applied for Road Funds through the Northern California Agency under P.L. 93-638 and since they have the most roads on their reservation, they took 90% of the Roads Fund. This left 10% for the remaining seventeen (17) tribes. Therefore, in order to improve the Health and Safety of the other tribes and small rancherias I strongly recommend the Select Committee consider a more fair and equitable solution and consideration for small tribes under the population of one thousand (1,000) and making available set aside monies or Descrinary Funds. Aside from the inequities of small tribes funding concerns, we have the following grave concerns:

o) Tribal Health Programs are still dominated in California by Indian Health Service to the point where there is no participation and involvement in the decision making process. We're instead subjected to decisions that have already been made by IHS without tribal input.

- o) Major problems we have with IHS is the local Area Office in their interpretation of the Implementation of 638, often times conflicting with IHS Headquarters and OGC Interpretations causing much confusion and does not often times running counter to the intent of P.L. 93-638, i.e.
- o) Arbitrary staffing with CAO ($ and need).
- o) Personnel - differences with CAO Personnel whereby individual tribes are penalized.
- o) RAM Interpretation - i.e. small tribes have opportunity to negotiate.

A) Arbitrary staffing of CAO without consultation with California Tribes as to the planning managment and necessity for the ever growing expansion of the CAO.

B) When individual tribes seeking additional information, speak up and question particular changes, these tribes are seen by CAO as "Trouble Makers" and thereby penalized i.e. receive less than their share of funding or receive little or no support from the Area Office by witholding technical assistance, and important information and in many other subtle ways.

C) Mr. Senator, small tribes in California have been subjected to the RAM Application which was a tool designed for computing needed requirements and resources for most of IHS nationwide, i.e. those service areas with hospitals and large clinics. California does not fit that criteria and the whole process has been an extreme burden. There is provision that RAM applications may be waived for small tribes. so far, CAO has been unwilling to do so. Physician Recruitment: CAO does not have an active recruitment office (all the other area offices do and do an excellent job in behalf of their direct IHS operated and tribal operated facilities). As a result, tribally run programs are at a big disadvantage. We recommend that immediate attention be given for this crucial situation. Senator, we would like your assistance in helping the tribes in California to have the RAM Application waived.

Additionally, we strongly object to the extension to "Tribal Organizations" of the right to require the Secretary to enter into a contract. This is a serious and counter productive weakening of tribal governments authority. Under the act as it now stands that right is reserved to Indian tribes acting through their tribal governments. Under the Act, tribal governments determine which tribal organizations are to enter into the requested contracts with the Secretary. It is essential that tribal governments have the authority and responsibility for the programs and services that are contracted or otherwise transferred from direct federal operations.

Page - 3

I would hope my comments will give this oversight field hearing more understanding of the small tribes vast complexities of unresolved issues, there will be need to have additional oversight field hearings in California.

Thank you, Honorable David K. Inouye, Chairman Of The Senate Select Committee on Indian Affairs.

Testimony Before The Senate Select Committee On Indian Affairs, Sacramento, CA.

April 26, 1989

Mr. Chairman, members of the Senate Select Committee on Indian Affairs, my name is Jennie Garfield and I am an enrolled member of the Tule River Indian Reservation, located some 20 miles east of Porterville, California, in southeastern Tulare County. As an "elder" of my tribe, I wish to express my appreciation to you for affording me the oppurtunity to testify before you today.

As the past Chairman of our elders program, "The Heritage Unit", I was fortunate to be able to testify before you on June 30, 1988, also here in Sacramento, California. That was the Oversight Eligibility Field Hearing. My testimony to you today concerns the P. L. 93-638 contract between the Tule River Tribe and the Bureau Of Indian Affairs (BIA), Central California Agency, which allows the tribe to administer federal programs on the reservation, formerly administered by the BIA. The Tule River Tribe was the first in California to administer such a contract, which became a reality in FY 83, after years of denial by the BIA, our "trustee", who also has a very special "fudiciary" responsibility to the Indian People.

As you know, this legislation entitled the Indian Self-Determination Act, was supposed to give the Indian people more control over the federal programs on their respective reservations. This seems to have not taken place at the Tule River Indian Reservation. I'm sure you have heard this thousands of times in the past but as former President Richard M. Nixon said in his 1970 Special Message to the Congress on Indian Affairs, President Nixon explained that for years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a federal program will be turned over to Indian administration, it is the federal authorities and not the indian people who finally make that decision. This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing to assume administrative responsibility for a service program which is presently administered by a federal agency".

This brings me to law enforcement. Since the BIA administers this on some reservations and some of the tribes administer their own law enforcement programs, why can't the Tule River Tribe do the same through this P. L. 93-638 contract our tribe now administers in this state. Now I've heard about the stumbling blocks, such as P. L. 83-280, which supposedly gives the State of California criminal and civil jurisdiction over all Indian reservations within this state. If the Indians in this state want law enforcement on their respective reservations, then the appropriate U. S. officials and our elected tribal leadership must break down any and all barriers that may stand in our way in order that we may accomplish this goal.

As I get older, I for one become more dependent on those men and women in law enforcement, because it seems that the elderly are left alone to fend for ourselves. Our tribal leadership must not allow this to happen now and to the future generations to come. Bring law enforcement to California Indian reservations.

Mr. Chairman, this concludes my remarks and I again thank you for this oppurtunity to address this Senate Select Committee On Indian Affairs.

Respectfully Submitted,

Jennie Garfield
Rt. 7, Box 210
Porterville, California 93257

(209) 784-2714

This is testimony submitted as part of a field hearing of the Indian Select Committee on Indian Affairs held in Sacramento, California April 28, 1989.

My name is Larry Murillo and I am a Health Education Consultant working for the California Urban Indian Health Council (CUIHC). The testimony presented in this document concerns my experience as an IHS Scholarship recipient. First, I will discuss some of the problems while receiving the scholarship, and secondly, the problems with fulfilling my IHS service obligation of two years.

Since the beginning, my experience with the IHS Scholarship Program has been a frustrating and time consuming experience. I was first notified of receiving the IHS Scholarship August, 1987, 2 days before I was to begin the fall semester of school while attending the University of California at Berkeley. The scholarship application mentioned that a stipend would be paid to those receiving the health professions scholarship for a twelve-month period beginning August 1 through July 31. I assumed that stipend payments would begin in August but I actually received my first stipend the first week of October, 1987. I had been attending school for 6 to 8 weeks before receiving my first stipend payment. This proved to be a financial hardship but one I survived because of an emergency savings fund.

At the same time I was not being paid for attending school, another frustrating situation presented itself. Part of the requirements for the MPH degree was to complete an internship at a health agency. Students were encouraged to find paid placements to keep up with living expenses. I negotiated a placement with the IHS California Area Office in Sacramento. It was understood that I would be paid for my placement. This verbal agreement was verified with the Scholarship program as acceptable since recipients are allowed to work as long as they are attending school full time and maintaining their grades. The problem began when IHS officials in Sacramento questioned whether or not I could be paid for doing a paid internship with IHS.

The officials contacted their personnel office (which is in Phoenix) and a simple agreement became confusing. The staff in Phoenix said I could not get paid while doing an externship (Note the word extern which is different than intern.) while attending school. Extern is a term used by the Scholarship Program for a paid placement made during a non-school period of time, usually during the summer. To make a long story short, I was not paid for 3 and 1/2 months because IHS officials could not differentiate between an extern and an intern. When a conference call finally was made to clarify my situation I received 3 weeks of payment for my work because IHS does not pay retroactively. This was particularly upsetting since I was verbally promised to be paid by the area director after he learned of my problem three weeks into my internship. What I learned from my experience is that scholarship recipients who wish to do an internship have a disincentive to work for IHS since you could be paid to intern with a non-IHS health organization and receive no hassle for receiving pay for services rendered.

These frustrating experiences were followed by my effort to secure a job with IHS. The documentation of my correspondence with the IHS Scholarship Program concerning my payback obligation is contained in the attachments to this testimony. To date, I have applied to two health education positions with IHS, one in the Portland Area Office and the other with the California Area Office. In both cases I was turned douwn because I did not receive Indian Preference. Imagine my shock when I received a paper telling me I was turned down because "qualified Indian applicants applied." I am Indian enough to receive the IHS scholarship but I am not Indian enough to receive Indian preference for hiring purposes by IHS.

In order to get the story straight, here are my Indian credentials. I am 7/16 Shoshone from Fort Hall, Idaho. I am a certified member but I am not enrolled. This is why I am not recognized as Indian by IHS and BIA for hiring purposes.

I wanted to fulfill my IHS obligation but it was obvious that it would be tough to do if I only applied for jobs with IHS. I needed to look for alternative hiring opportunities other than IHS. Here are the places acceptable to IHS as placements that will fulfill my 2 year service obligation according to the 1987-88 IHS Scholarship handbook:

1. IHS.
2. A federally recognized tribe.

"In the event than an IHS or tribal placement cannot be arranged, you may develop an assignment in:

3. an urban Indian organization assisted under Title V of P.L. 94-437, or,
4. in the private clinical practice of his or her health profession in a designated health manpower shortage area which addresses the health care needs of a substantial number of Indians."

The situation I was in led me to look for placements with tribal and urban health settings. I was offered a job working for the California Urban Indian Health Council with my own good faith judgement that I was fulfilling my obligation according to option #4 stated above. The health education consultant position, which I am currently employed as, meant that I was self employed (i.e., private clinical practice) and served Indian people in health manpower shortage areas throughout the state of California.

IHS did not accept my job as a placement that can fulfill my obligation because CUIHC is not funded by 94-638 or 94-737 title V appropriations. This is a very narrow interpretation of the law from my standpoint but it is one that I am forced to live with. So not only does IHS want me to quit my job and work for IHS but I will have to personally finance the move for relocation to another job site.

It appears that applying for the Public Health Service Commissioned Corps may be my best bet for securing a job that will fulfill my service obligation to IHS. However, this could create a situation that is in total opposition to the Indian Health Care Improvement Act. The situation is that Commission Corp could possibly place me in a non-Indian Public Health Service agency that will fulfill my obligation. It seems absurd to remove me from a position that is working for Indian people in order to work for non-Indian communities. Hopefully this will not happen but it demonstrates the potential of how written law will not reach the objective for which it is intended, in this case, the improvement of health within the Indian community.

My recommendations to the committee with respect to the IHS Scholarship are as follows:

- Have the IHS Scholarship Program notify students of awards and payment of stipends in a timely fashion. Example: Application deadlines could be in February rather than in May as it currently is.
- Application requirements need to be consistent with IHS Indian preference hiring practices.
- Change IHS Indian preference hiring practices so that Indians from state recognized tribes and non-enrolled members of federally recognized tribes are recognized as Indians.
- Create more sensitivity to student needs from the IHS Scholarship Program personnel so they are advocates of students rather than obstacles. This could be done by changing specific legislative wording to increase job placements recognized by IHS to fulfill service obligation.

Personally, I would like to request that my job placement with CUIHC be recognized as a legitimate placement that will fulfill my IHS obligation retroactive to my starting date of March, 1988.

I support the IHS scholarship and do not want to see it terminated but I would like to see changes made that will help it meet the spirit of the Indian Health Care Improvement Act. Thank you very much for the opportunity to present this testimony.

Sincerely,

Larry Murillo

Larry Murillo, M.S., MPH
Health Education Consultant

July 11, 1988

Larry Thomas
Chief, Scholarship Branch
IHS Scholarship Program
Parklawn Building, Room 6-12
5600 Fishers Lane
Rockville, MD 20857

Dear Mr. Thomas:

This letter is in response per our telephone conversation on May 13, 1988. The purpose of this letter is to explain my current status regarding my 437 scholarship obligation.

Initially I had requested and received permission (See attachment A.) to postpone my IHS service obligation in order to pursue a DrPH in the field of health education. Unfortunately I was not accepted to Doctoral school at the University of California, Berkeley. Because of the denial of admission (See attachment B.) I began looking for employment that would fulfill my IHS obligation.

As part of my responsibility to the scholarship program I completed my Personal Qualification Statement (Standard Form 171). In January, 1988, I applied for a Health Education position in the Portland Area Office. After I applied I found out I was not eligible for Indian preference from the Indian health service as defined on BIA Form 5-4432 (Verification of Indian Preference for Employment). I was not selected for the position because qualified Indian applicants were considered and I was not (See Attachment C.). This happened in spite of noting on my application that I received priority considerations due to my IHS 437 Scholarship obligation.

The reason I am not enrolled in the Shoshone-Bannock Tribe of Fort Hall, Idaho is because of a tribal decision that I did not reside on the reservation at the time of application. I am 7/16 Shoshone (See attachment D.) so I do not qualify on the portion of the BIA form that allows for people with 1/2 degree Indian blood to be granted Indian preference for employment with the BIA or IHS. Because of this experience I figured it was best to look for employment outside of IHS.

The 1987-88 IHS Scholarship Handbook states that, "In the event that an IHS or tribal placement cannot be arranged, you may develop an assignment in: 1) an urban Indian organization assisted under Title V of P.L. 94-437, or 2) private practice in a designated health manpower

Attachment to Testimony

July 11, 1988

Larry Thomas
Chief, Scholarship Branch
IHS Scholarship Program
Parklawn Building, Room 6-12
5600 Fishers Lane
Rockville, MD 20857

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Attachment to Testimony

shortage area which addresses the health care needs of a substantial number of Indians." I wanted to stay within these guidelines while seeking employment after my graduation in May from UC Berkeley. I have every intent of fulfilling my IHS obligation. With this in mind I selected a job that I felt met part 2 of the aforementioned requirements.

My current employment is working as a health education consultant for a Special Project of National and Regional Significance (SPRANS) program of the California Urban Indian Health Council (CUIHC). See attachment E for a copy of my obligation annual status report. My intention is to work as a full time consultant with 50% of my time working for CUIHC on a per day contract basis. I am contracted to work at least 130 working days per fiscal year with the contract lasting 3 years. Note that I am not an employee of CUIHC because my relationship with this program is as an independent consultant. This will fulfill my two year obligation to IHS. The rest of my time will be used in developing Indian specific health education materials (e.g., audio/visual presentations and pamphlets) and providing other consultant services for the California Indian community.

My work as a consultant fulfills the criterion set forth in option 2 that states you may develop an assignment in a private practice in a designated health manpower shortage area which addresses the health care needs of a substantial number of Indians. The designated health manpower shortage areas I will be working for are 27 California Indian clinics that provide perinatal services for American Indian women and children. I will travel throughout the state of California while assessing perinatal health education programs, provide training and technical assistance, developing health education protocols, developing health education materials, and providing private provider liaison for Indian clinics.

Each of the clinics SPRANS services reach are Indian communities in a designated health manpower shortage area. The service I will be able to offer Indian perinatal clinics is unique because we do not charge a fee for services rendered and it allows participating clinics a chance to develop and improve perinatal services (Perinatal is defined as the period from conception to 1 year after birth.) to American Indian women and children. The goal is to reduce the high morbidity and mortality rates found in American Indian babies of California. Working in my current capacity allows me to impact a larger service population than if I were to work in an IHS service unit.

There are several reasons why the work I am doing benefits American Indian communities in California. I am coordinating my professional efforts with the California Area Office Health Educator, Stephanie Bryn. She is very supportive of SPRANS and the situation allows me to provide assistance where it is sorely needed in California. Stephanie informed me that the entire state has only three or, four health educators available to Indian clinic sites. The California Area is desperate for the assistance of qualified MPH Health Educators.

Increased revenues for services provided is another way I can assist Indian clinics. In California, IHS funding is supplemented by State funding. State regulation requires that health education protocols be signed by an MPH Health Educator in order for perinatal services to be given an enhanced Medi-Cal (California's equivalent of Medicare) reimbursement. Because I am qualified to sign off on protocols as an MPH Health Educator, clinics can receive increased revenues if they provide comprehensive perinatal services as defined by the state of California. Stephanie appreciates the professional support I can provide the California Area office as an independent health education consultant.

In summary, I feel that I am in compliance with IHS scholarship obligation guidelines for the reasons stated in previous paragraphs. I attempted to secure employment with IHS but the fact that I do not receive Indian preference consideration makes it very difficult. Therefore I chose to work as a full time health education consultant servicing California Indian communities. My career plans are to continue working for Indian communities even after fulfilling my two year IHS obligation as witnessed by my three year committment to SPRANS. After my 3 year tenure with SPRANS, employment with IHS is a possibility especially since I plan to re-apply for tribal enrollment. In the meantime, my preference is to work with Indian communities in California as a private health education consultant.

The job working for CUIHC is already secured and it would cause financial hardship for me to pay for a move in order to work elsewhere. My wife and I recently had a baby in March and my family is settled in Sacramento. I hope this explanation of my employment status is sufficient for you to make a decision. If you have any questions please call me at (916) 920-0313 (8am to 5 pm weekdays). Thank you very much for the opportunity of receiving financial assistance through the IHS Scholarship Program.

Sincerely,

Larry Murillo

Larry Murillo, M.S., M.P.H.

Attachments

cc: Everett Rhoades, M.D., Director IHS
Marland Koomsa, Health Education Branch Chief, IHS
T. J. Harwood, Area director, CAO/IHS
Mark Jackson, Chief Medical Officer, CAO/IHS

DEPARTMENT OF HEALTH & HUMAN SERVICES — Public Health Service

Health Resources and
Services Administration
Rockville MD 20857

FEB 5 1988

Mr. Larry Murrillo
P.O. Box 7895
Berkeley, California 94707

Dear Mr. Murrillo:

This is in response to your January 1, 1988 letter, regarding your Indian Health Service (IHS) Public Law (P.L.) 94-437 Health Professions Scholarship obligation.

Your request for postponement may be granted since you are planning to graduate with a Doctor in Health Education. We will change our records to reflect your availability to begin your service obligation to the Indian Health Service.

This postponement will be contingent upon your compliance with the following conditions.

1. Excute the enclosed Conditional Service Agreement (CSA)
2. Submit documentation to the address below of your status each Quarter/Semester, i.e. enrollment, transcript;
3. Incur no conflicting service obligation
4. Notify the IHS Scholarship Program of any change of status or address
5. Submit to the address below your new date of graduation.

You should be aware that if we do not receive the completed CSA by March 7, 1988, we will assume that you do not wish a postponement.

If you have any questions, please contact the IHS Scholarship Program at the address listed below.

Sincerely,

Larry S. Thomas
Chief, Scholarship Branch
Indian Health Service

ADDRESS
IHS Scholarship Program
Parklawn Building, Room 6-12
5600 Fishers Lane
Rockville, Maryland 20857
Telephone: (301) 443-6197

ATTACHMENT "A"

INDIAN HEALTH SERVICE

CONDITIONAL SERVICE AGREEMENT

I Larry Murillo, recognizing my obligation under the Indian Health Service (IHS) Scholarship Program agree to be available to commence my service to the IHS at such site as may be directed by the IHS program, notwithstanding the regular matching process and other placement policies and practices. I shall be available to begin my service on the date to which the IHSSP program may agree. I understand that this agreement does not in any way relieve me of any obligation under the IHS regulations and policies or other applicable Law or regulations. I understand that this agreement does not become effective until it is approved by the Chief, Scholarship Branch, Division of Health Manpower and Training.

Signature of Obligor Date

Notary and Seal for Obligor Signature

APPROVED Date
Chief, Scholarship Branch

Address
IHS Scholarship Program
Parklawn Building, Room 6-12
5600 Fishers Lane
Rockville, Maryland 20857
Telephone: (301) 443-6197

Please retain a copy of this legal document for your records until an official copy is returned to you.

ATTACHMENT [illegible]

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO SANTA BARBARA • SANTA CRUZ

SCHOOL OF PUBLIC HEALTH
DEPARTMENT OF SOCIAL AND
ADMINISTRATIVE HEALTH SCIENCES

BERKELEY, CALIFORNIA 94720

June 21, 1988

Larry Murillo
1026 9th Street, #47
Albany, California 94710

Dear Larry:

This letter will confirm our conversation in which I advised you that the health education faculty is unable to recommend your admission to the Graduate Division for doctoral study at this time. You should receive official notification of denial from Graduate Division within the next few weeks.

As we discussed, our faculty certainly wishes to encourage your interest in the doctoral degree, however, we concur that you would be a stronger doctoral student and benefit more from the program if you obtain additional public health experience before initiating doctoral level work. We are delighted that you have found a position which enables you to apply knowledge and skills acquired with the M.P.H. degree and which also will stimulate you to raise questions that could become the focus of a research project. Since your application to the doctoral program indicates greater interest in administration than in research, it is particularly important that you develop your abilities to raise questions which, if answered, would improve the public's health. This type of thinking also should strengthen your public health perspective on issues of policy and practice without requiring you to sacrifice the insights you have gained through your clinical training and experience.

I have not forgotten my promise to provide comments on your paper concerning the mental health of American Indians. I've been working very hard to reduce the backlog of work on my desk, and believe it or not, I should be able to spend some concentrated time on your paper in the near future.

Do keep us informed about your plans as they develop. We very much would like to have you apply to the doctoral program in health education again within the next few years.

Sincerely,

Carol N. D'Onofrio

Carol N. D'Onofrio, Dr.P.H.
Associate Professor and Head
Health Education Program

cc: SPH Office of Admissions
Health Education File
CD:jt
health/600

ATTACHMENT "B"

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH SERVICES ADMINISTRATION

PORTLAND AREA
INDIAN HEALTH SERVICE
FEDERAL BLDG., ROOM 476
1220 S.W. 3RD AVENUE
PORTLAND, OREGON 97204

MAY 16 1988

Larry Murillo
1026 9th St., #47
Albany, CA 94710

Position: Public Health Educator
Vacancy No: PO-88-202
Closing date: March 23, 1988

Dear Applicant:

We have reviewed your qualifications together with other applicants for the position. As an applicant for the above position, you received this consideration:

☐ **You meet the minimum qualifications and will be considered for future position(s) under our Open Continuous Announcement. We will retain your application until ________________.**

☐ **Your name was certified on the candidate referral roster, but, you were not selected for this position. We shall consider your application for future positions under our Open Continuous Announcement. We will retain your application until ________________.**

☐ **Your application was not considered because qualified Indian Preference candidate(s) applied. You will be considered for future position(s) under our Open Continuous Announcement providing no qualified Indian Preference candidate(s) applies. We will retain your application until ________________.**

☐ **You were on the candidate referral roster, considered, but were not selected. Your application will be retained for our Merit Promotion file.**

☒ **Your application was not considered because qualified Indian Preference candidate(s) applied and your application is being returned for your use.**

☐ **You do not meet the time-in-grade requirements; therefore, your application was not considered. Your application will be retained for our Merit Promotion file.**

☐ **You do not meet the minimum qualification requirements; therefore, your application was not considered. Your application will be retained for our Merit Promotion file.**

☐ **Other:**

We appreciate your interest in the Indian Health Service program and wish you success in the future. If you have any questions concerning your consideration for this position please call me on (FTS) 423-3020 or (503) 221-3020.

Sincerely,

Chris Smith

Chris Smith
Personnel Management Specialist
Human Resources Services

Enclosure:

ATTACHMENT "C"

(Rev. 11/75)

IN REPLY REFER TO
Administration

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FORT HALL AGENCY
FORT HALL, IDAHO 83203

CERTIFICATE OF INDIAN BLOOD

Date: September 18, 1984

PART B: (To be used if applicant is not enrolled and relationship to an enrolled member of his immediate family (i.e., parents, brother, sister) is being established.

I hereby certify that Ida (Shay) Murillo is listed on the Shoshone-Bannock tribal roll, dated 10-11-72, an official record of this office, as being of 7/8 degree Shoshone-Bannock Indian blood and with Roll No. 1357-A.

(7/16)
Larry Murillo (Sho-Ban) is known to me to be the Son of Ida (Shay) Murillo.

Duane F. Thompson
(Superintendent)
Duane F. Thompson, Superintendent

ATTACHMENT "D"

OMB APPROVED: No. 0915-0080 I-08

INDIAN HEALTH SERVICE
HEALTH RESOURCES AND SERVICES ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC LAW 94-437 TITLE I SCHOLARSHIP PROGRAM

Health Professions Scholarship Program Service Obligation Annual Status Report

Larry Murillo
NAME

1026 9th Street, #47
STREET ADDRESS

Albany, CA 94710
CITY STATE ZIP CODE

(415) 525-8729
WORK AREA CODE AND TELEPHONE NUMBER

519-74-4185
SOCIAL SECURITY NUMBER

HEALTH PROFESSIONS DISCIPLINE: Health Education (MPH)

GRADUATION DATE: 5-21-88

TYPE OF DEGREE CONFERRED: Masters of Public Health (MPH)

NAME OF UNIVERSITY: University of California, Berkeley

ASSIGNMENT LOCATION:
__ Indian Health Service
__ Urban Indian Health Program
__ Tribal Health Program
__ Private Practice
XX Other

California Urban Indian Health Council, Inc.
Name of Facility

2422 Arden Way, Suite A-32
Street Address

Sacramento, CA 95825
City State Zip Code

MY CURRENT POSITION TITLE: Health Education Consultant

- (Attach to this report a copy of your current position description.)
- Non-IHS employees must attach a summary which identifies the purpose, mission or nature of the employing organization and the population served by the organization.

COMMENTS: Employment began 3/28/88 and is halftime (20 hours/week) until school ends 5/21/88). After 5/21/88 I will begin working full-time (40 hours/week).

Larry Murillo
Scholarship Recipient's Signature

4/15/88
Date

Karen Tracy
Immediate Supervisor's Signature

4-15-88
Date

SPRANS Program Director
Supervisor's Title

(916) 920-0313
Supervisor's Telephone Number

ATTACHMENT "E"

DEPARTMENT OF HEALTH & HUMAN SERVICES Public Health Service

Rockville MD 20857

AUG 23 1988

Mr. Larry Murillo
1437 Exposition Blvd. #76
Sacramento, California 95815

Dear Mr. Murillo:

This letter is in reference to your July 11, 1988 letter regarding your Indian Health Service (IHS) Health Professions Scholarship obligation.

As designated in P.L. 94-437, you have the option to fulfill your IHS Scholarship obligation in one of the following (1) IHS; (2) in a program assisted under Title V of the Indian Health Care Improvement Act; or (3) in the private practice of your profession, if such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians. The California Urban Indian Health Council Inc. (CUIHC) is not an organization assisted under Title V, nor is your position as a consultant with this organization situated in a physician or other health professional shortage area. Therefore your position as a consultant with or for CUIHC would not count as payback on your health professions scholarship obligation.

The IHS Scholarship Program (IHSSP) will soon consider you in breach of your contract for failure to comply with the terms and conditions of your service obligation (recipients must begin their obligated service within 60 days after graduation). Therefore, if you do not provide appropriate evidence of employment that meets your service payback requirements or begin to actively seek an appropriate placement within 60 days from receipt of this letter, the IHS will proceed with a default action. Please contact Mr. Marland Koomsa, Chief, Health Education Branch, Telephone 301-443-1870 and/or your IHSSP Area Coordinator for vacancies in IHS.

It is important to keep the IHSSP office informed at the address listed below about your employment status. If you have any questions, please contact Mr. Raymond Bobb, Compliance Coordinator, IHS Scholarship Program at the address listed below.

Sincerely,

Larry S. Thomas

Larry S. Thomas
Chief, Scholarship Branch

ADDRESS
IHS Scholarship Branch
Parklawn Building, Room 6-12
5600 Fishers Lane
Rockville, Maryland 20857
Telephone: 301-443-6197

CALIFORNIA URBAN INDIAN HEALTH COUNCIL, INC.
2422 ARDEN WAY SUITE A-32
SACRAMENTO, CALIFORNIA 95825
(916) 920-0313

October 25, 1988

Mr. Raymond Bobb
Compliance Coordinator
IHS Scholarship Branch
Parklawn Bldg. Room 6-12
5600 Fishers Lane
Rockville, MD 20857

Dear Mr. Bobb:

This letter will update you on my employment seeking status to fulfill my IHS scholarship obiligation. Since I last talked to you on the phone in September I have followed up on your recommendation per our conversation to submit an application to the Commission Corps. Attachment A is a copy of that application.

In addition to filling out the application I have had conversations with Marland Koomsa, the Branch Chief of Health Education; Doris Byington, Bemidji Area Office Personnel Officer (See Attachment B); and Molin Malicay, the California Area Office IHS Scholarship Coordinator. Our conversations involved job opportunities in the Indian Health Service. I wish to fulfill my obligation to IHS and will do what is necessary to accomplish this goal. One objective in finding a job is to have a position that allows me to practice my health education skills. The reason is I intend on applying to a Doctoral School of Public Health and it requires the health education experience.

In the meantime I am sending more information about my current position as a health educaton consultant for California Urban Indian Health Council. The areas I currently service are strictly Indian populations and the majority of them are in designated health manpower shortage areas. Because of these facts I maintain that my current job fulfills the IHS obligation. Enclosed is a letter of support (See Attachment C) from my current supervisor. Also enclosed is a strong letter of support from Dr. Mark Jackson from the California Area Office (See Attachment D).

It is my belief that rural and urban Indians deserve health service that is sensitive to their cultural needs. Even if IHS does not recognize programs as "Indian" programs that do not receive Title V or 94-638 funding, these programs do exist and they enhance health care services provided to Indian people. The job I have serves Indian people in California and enhances services provided by Indian Health Service. The Health Improvement (P.L. 93-638) act was written in the spirit of improving health care services for Indians. A shortsighted policy is concerned with maintaining status quo and farsighted policy involves the intention of the policy. The shortsighted question of my health employment status is, "Is my job situated in a Health Manpower Shortage Area?." The more appropriate question is, "Does my job serve Indian people and seek to improve the health of Indians." My answer to the latter question is yes. Please consider the enclosed information and make a decision concerning my current work status.

Sincerely,

Larry Murillo
Larry Murillo, M.S., M.P.H.
SPRANS Perinatal Health Education Consultant

enclosure (5)

cc: Karen Tracy, RN MS, SPRANS Project Director, CUIHC, Inc.
Molin Malicay, CAO IHS Scholarship Coordinator
Marland Koomsa, Health Education Branch Chief
(Rockville IHS Office)
Everett Rhoades, MD, Director IHS, Rockville
Mark Jackson, Chief Medical Officer, CAO/IHS

PHS-50
Rev. 1/83

OMB No. 0937-0025
Expiration Date 3/31/86

APPLICATION FOR APPOINTMENT AS A COMMISSIONED OFFICER IN THE U.S. PUBLIC HEALTH SERVICE
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

94-437 Scholarship Obligation; Indian Applicant

BEFORE COMPLETING THE APPLICATION READ ATTACHED INSTRUCTIONS CAREFULLY. GIVE COMPLETE ANSWERS TO ALL ITEMS.

TYPE OR PRINT IN INK. If additional space is needed, attach an 8½ x 11 sheet. Include your name, address and the pertinent item numbers on each sheet so used. All material submitted becomes the property of the Federal Government and will not be returned. Part of the information will be used for a security check. Submit two completed and signed copies to Commissioned Personnel Operations Division, Room 4-35, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

1. TYPE OF DUTY FOR WHICH YOU ARE APPLYING

☒ General duty (extended active duty)
Available for active duty January 19 89
☐ Obligated call to active duty
Available for active duty ____ 19 ____
☐ Other (Specify) ____
☐ COSTEP (Student Training and Extern Program)
Available for duty between ____ 19 ____
and ____ 19 ____
☐ Senior COSTEP
☐ Postgraduate training (Be sure to complete item 20)

2. PROFESSION (e.g. Chemist, Nurse, Physician): Public Health (Health Education)
3. SOCIAL SECURITY NUMBER: 519-74-4175
4. FULL NAME (Last) (First) (Middle) (Maiden if any) (Other names): Murillo, Larry
5. PLACE OF BIRTH (City and State): Pocatello Idaho
6. DATE OF BIRTH (Mo. Day Yr.): 4/10/57
7. AGE: 31
8. MARITAL STATUS: ☐ Single (includes widowed and divorced) ☒ Married (includes separated)
9. IF SINGLE, DO YOU PLAN TO BE MARRIED BEFORE YOU ARE AVAILABLE FOR ACTIVE DUTY? ☐ NO ☐ YES If yes, anticipated date

10. DEPENDENTS (Full name of spouse, full name and dates of birth of children and/or other dependents)

	RELATIONSHIP	DATE OF BIRTH (Mo./Day/Yr.)
Rita Marie Murillo	Wife	11/15/60
Steven Pablo Murillo	Son	3/10/[illegible]

11. PRESENT MAILING ADDRESS
Street 1437 Exposition Blvd, #76
City Sacramento
State CA Zip 95815
DAYTIME PHONE NUMBERS (include area code) Home (916) 647-9763
Business (916) 920-0313 School

12. HOME ADDRESS (If other than 11)
N/A
Zip ____

13. NAME, ADDRESS, & PHONE NUMBER OF PERSON THROUGH WHOM YOU CAN ALWAYS BE REACHED
Florentino Murillo
1056 E Lander
Pocatello, Idaho
Zip 83201 Phone (208) 233-9670

14. CITIZENSHIP (Only United States Citizens may be appointed to the Commissioned Corps of the Public Health Service)
☒ NATIVE ☐ If NATURALIZED (answer A, B, C, D, E)
A Entered: Month ____ Day ____ Year ____
B Naturalized: Month ____ Day ____ Year ____
C Naturalization No. ____
D Person to whom number issued ____
Place naturalized ____
E Is your name on the certificate? ☐ Yes ☐ No

INDICATE ANSWERS BY PLACING "X" IN PROPER COLUMN

	YES	NO
15. Have you ever been convicted, forfeited collateral or are you now under charges for any felony or any firearms or explosives offense against the law? (A felony is defined as any offense punishable by imprisonment for a term exceeding one year but does not include any offense classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of two years or less.)		X
16. During the past seven years have you been convicted, imprisoned, on probation or parole or forfeited collateral, or are you now under charges for any offense against the law not included in item 15 above? When answering 15 and 16 you may omit (1) traffic fines for which you paid a fine of $30.00 or less, (2) any offense committed before your 18th birthday which was finally adjudicated in a juvenile court or under a youth offender law, (3) any conviction the record of which has been expunged under Federal or State law, and (4) any conviction set aside under the Federal Youth Corrections Act or similar State authority.		X
17. While in the military service were you ever convicted by a general court martial? NOTE: If your answer to 15, 16, or 17 is YES give details in item 30. Show for each offense (1) date, (2) charge, (3) place, (4) court, and (5) action taken.		X
18. Have you ever previously applied for appointment as a commissioned officer in the U.S. Public Health Service?		X
19. Do you now hold an appointment (inactive reserve, COSTEP) as a commissioned officer in the U.S. Public Health Service?		X
20. Are you now or have you ever been a recipient of a Public Health Service or National Health Service Corps scholarship? If so, name it: Indian Health Service Scholarship	X	
21. Are you a conscientious objector to military service?		X
22. If you are a conscientious objector, would you object to noncombatant support duties in the military forces?		X

(NOTE: BY EXECUTIVE ORDER, THE PHS MAY BE MILITARIZED DURING TIMES OF NATIONAL EMERGENCY AND DOES HAVE OFFICERS SERVING IN SUPPORT ROLES AT ALL TIMES. IF IN ITEM 22 YOU STATED AN OBJECTION, YOU WOULD BE PRECLUDED FROM APPOINTMENT IN THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE.)

23. UNIFORMED SERVICE (List service in commissioned grade, rank or service you have had in the Army, Navy, Air Force, Marine Corps, Coast Guard and the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Public Health Service. Include any present military affiliations (NG, Reserve Unit, ROTC Commission, etc.). Except for PHS affiliation, you must submit with this application a release from such service component upon your appointment to the Commissioned Corps of the Public Health Service.)

SERVICE COMPONENT	HIGHEST RANK HELD	DUTY FROM Mo. Day Year	TO Mo. Day Year	ACTIVE OR INACTIVE DUTY
N/A				

Attachment A

PHS-50
Rev. 1/83

OMB No. [illegible]
Expiration Date [illegible]

APPLICATION FOR APPOINTMENT AS A COMMISSIONED OFFICER IN THE U.S. PUBLIC HEALTH SERVICE
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

94-437 Scholarship Obligation; Indian Applicant

BEFORE COMPLETING THE APPLICATION READ ATTACHED INSTRUCTIONS CAREFULLY. GIVE COMPLETE ANSWERS TO ALL ITEMS.

TYPE OR PRINT in ink. If additional space is needed, attach an 8½ x 11 sheet. Include your name, address and the pertinent item numbers on each sheet so used. All material submitted becomes the property of the Federal Government and will not be returned. Part of the information will be used for a security check. Submit two completed and signed copies to Commissioned Personnel Operations Division, Room 4-35, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

1. TYPE OF DUTY FOR WHICH YOU ARE APPLYING

☒ General duty (extended active duty)
Available for active duty January 19 89
☐ Deferred call to active duty
Available for active duty ____ 19 ____
☐ Other (Specify) ____

☐ COSTEP (Student Training and Extern Program)
Available for duty between ____ 19 ____
and ____ 19 ____
☐ Senior COSTEP
☐ Postgraduate training (Be sure to complete item 38)

2. PROFESSION (e.g. Chemist, Nurse, Physician): Public Health (Health Education)
3. SOCIAL SECURITY NUMBER: 519-74-4175
4. FULL NAME (Last, First, Middle, Maiden if any, Other names): Murillo, Larry
5. PLACE OF BIRTH (City and State): Pocatello Idaho
6. DATE OF BIRTH (Mo/Day/Yr): 4/10/57
7. AGE: 31
8. MARITAL STATUS: ☐ Single (includes widowed and divorced) ☒ Married (includes separated)
9. IF SINGLE, DO YOU PLAN TO BE MARRIED BEFORE YOU ARE AVAILABLE FOR ACTIVE DUTY?
☐ NO ☐ YES
If yes, anticipated date

10. DEPENDENTS (Full name of spouse, full name and date of birth of children and/or other dependents)

	RELATIONSHIP	DATE OF BIRTH (Mo/Day/Yr)
Rita Marie Murillo	Wife	11/18/60
Steven Pablo Murillo	Son	3/10/88

11. PRESENT MAILING ADDRESS
Street 1437 Exposition Blvd, #76
City Sacramento
State CA Zip 95815
DAYTIME PHONE NUMBERS (include area code): Home (916) 649-9763
Business (916) 920-0313 Extension

12. HOME ADDRESS (if other than item 11): N/A
Zip ____

13. NAME, ADDRESS, & PHONE NUMBER OF PERSON THROUGH WHOM YOU CAN ALWAYS BE REACHED
Florentina Murillo
1056 E Lander
Pocatello, Idaho
Zip 83201 Phone (208) 233-9670

14. CITIZENSHIP (Only United States Citizens may be appointed to the Commissioned Corps of the Public Health Service)
☒ NATIVE ☐ If NATURALIZED (answer A, B, C, D, E)
A. Entered Month ____ Day ____ Year ____
B. Naturalized Month ____ Day ____ Year ____
C. Naturalization No. ____
D. Person to whom number issued ____
Place naturalized ____
E. Is your name on the certificate? ☐ Yes ☐ No

INDICATE ANSWERS BY PLACING "X" IN PROPER COLUMN

	YES	NO
15. Have you ever been convicted, forfeited collateral or are you now under charges for any felony or any firearms or explosives offense against the law? (A felony is defined as any offense punishable by imprisonment for a term exceeding one year but does not include any offense classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of two years or less.)		X
16. During the past seven years have you been convicted, imprisoned, on probation or parole or forfeited collateral, or are you now under charges for any offense against the law not included in item 15 above? When answering 15 and 16 you may omit (1) traffic fines for which you paid a fine of $50.00 or less, (2) any offense committed before your 18th birthday which was finally adjudicated in a juvenile court or under a youth offender law, (3) any conviction the record of which has been expunged under Federal or State law, and (4) any conviction set aside under the Federal Youth Corrections Act or similar State authority.		X
17. While in the military service were you ever convicted by a general court martial? NOTE: If your answer to 15, 16, or 17 is YES give details in item 39. Show for each offense (1) date (2) charge (3) place (4) court and (5) action taken.		X
18. Have you ever previously applied for appointment as a commissioned officer in the U.S. Public Health Service?		X
19. Do you now hold an appointment (inactive reserve, COSTEP) as a commissioned officer in the U.S. Public Health Service?		X
20. Are you now or have you ever been a recipient of a Public Health Service or National Health Service Corps [illegible] Indian Health Service Scholarship	X	
21. Are you a conscientious objector to military service?		X
22. If you are a conscientious objector, would you object to noncombatant support duties in the military services?		X

(NOTE: BY EXECUTIVE ORDER, THE PHS MAY BE MILITARIZED DURING TIMES OF NATIONAL EMERGENCY AND DOES HAVE OFFICERS SERVING IN SUPPORT ROLES AT ALL TIMES. IF IN ITEM 22 YOU STATED AN OBJECTION, YOU WOULD BE PRECLUDED FROM APPOINTMENT IN THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE.)

23. UNIFORMED SERVICE List below all commissioned officer or service you have had in the ARMY, NAVY, AIR FORCE, MARINE CORPS, COAST GUARD, and the COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION or the PUBLIC HEALTH SERVICE. Include any present military affiliations, PHS Reserve and ROTC Commitment, etc. Except for PHS affiliation, you must submit with this application a release from such service component upon your appointment to the Commissioned Corps of the Public Health Service.

SERVICE COMPONENT	HIGHEST RANK HELD	DUTY FROM Mo Day Year	TO Mo Day Year	ACTIVE OR INACTIVE DUTY
N/A				

Attachment A

Heart of the Earth Survival School
1214 4th St, S.E.
Minneapolis, MN 55414

8/85 7/86 40+

SALARY OR EARNINGS
Beginning $ 18,000 per 10 months
Ending $ 18,000 per 10 months

PLACE OF EMPLOYMENT
City Minneapolis
State MN

EXACT TITLE OF YOUR POSITION
Guidance Counselor

NAME OF IMMEDIATE SUPERVISOR
Rosalie Brown Thunder

NUMBER AND KIND OF EMPLOYEES YOU SUPERVISED
12 teachers and staff.

TELEPHONE NO. AREA CODE: 612 331-3862

KIND OF BUSINESS OR ORGANIZATION [illegible]
Education

REASON FOR LEAVING
To attend U.C. Berkeley

DESCRIPTION OF WORK [illegible]
Designed and implemented behavior guidelines for elementary and secondary students. Administrative reporting to school board and semi-annual grant reports. Provided community outreach, student counseling and psychological services in a school setting, heavy parent contact, planning school activities, inservice training to staff, court liaison duties, and I advocated policy changes on behalf of students. The degree of responsibility was heavy since I was second in command to the principal. Duties were complex and required quick decision making skills. There was minimal supervision of my activities. This position had a high level of influence on school policies relating to student behavior and activities. High level of public contact.

18. PHS IN-SERVICE POSTGRADUATE TRAINING APPLICANTS

[illegible]

a. [illegible] ☐ MEDICAL ☐ DENTAL ☐ PHARMACY ☐ OTHER [illegible]	d. [illegible] ☐ YES [illegible] Years Months ☐ NO
b. [illegible]	
c. [illegible]	e. [illegible] ☐ INDIAN HEALTH SERVICE ☐ NATIONAL INSTITUTES OF HEALTH ☐ CENTERS FOR DISEASE CONTROL ☐ [illegible]
d. [illegible]	f. [illegible] ☐ YES ☐ NO

20. SPACE FOR DETAILED ANSWERS [illegible]

26B) Fort Hall Human Services, Fort Hall, Idaho, From 6/81 – 8/81; Clinical Psychology
35D) Human Services, Fort Hall, Idaho (Sho-Ban Tribes); from 7/84 to 7/85; Averaged 40+ hours/week; [illegible] per hour; Supervisor: Claire Jackson (208) 235-3951; Title: Family Intervention Specialist; Supervised one outreach worker; Mental Health Agency; Reason for leaving: end of grant contract; Description: Supervised and managed an Indian Child Welfare Program. Responsibilities included program planning, evaluation and implementation. Interdisciplinary approach to mental health, program record keeping and reporting; psychological treatment and counseling, grant writing, reporting and maintaining client files, developmental evaluation and testing (IQ), consulting with tribal programs, parent training and crisis intervention. High degree of administrative responsibility and mental health duties were very complex. Supervised by psychologists, psychiatrists, and physicians
35C) AECU, Bannock Regional Medical Center, Memorial Drive, Pocatello, ID, 83201; Employed 3/73 – 4/84; Averaged 24 hrs/week; 7.35/hour ending at $7.75/hour; Title: Psychiatric Technician; Supervisor: Kathleen Hales, R.N.; (208) 234-0777; No supervisory duties; Medical center, [illegible]. Provided [illegible] counseling, group therapy, and had daily staffings in a multidisciplinary health care approach.

ATTENTION: THIS STATEMENT MUST BE SIGNED BY ALL APPLICANTS

Read the following paragraphs carefully before signing this Statement.

[illegible]

AUTHORITY [illegible] USE OF INFORMATION

[illegible]

CERTIFICATION

[illegible]

SIGNATURE [illegible] DATE

[illegible] [illegible]

36. TYPES OF ASSIGNMENTS IN WHICH YOU ARE INTERESTED [illegible]

Health Education Specialty; Public Health Program Evaluation; Development of Health Education planning for health promotion programs. Preferred placement with programs serving American Indian populations. Majority of my experience is working with children and I wish this population group

38. GEOGRAPHIC AREAS IN WHICH YOU PREFER TO SERVE Sacramento CA; Minneapolis MN; Idaho; Spokane WA.

37. EMPLOYMENT HISTORY: [illegible] PROFESSIONAL EXPERIENCE AND WORK RECORD [illegible]

A. NAME AND ADDRESS OF EMPLOYER'S ORGANIZATION (include ZIP code)
California Urban Indian Health Council, Inc
2422 Arden Way, Suite A-32
Sacramento, CA 95825

DATES EMPLOYED From 3/83 To Present
AVERAGE NO. OF HOURS PER WEEK 40
SALARY OR EARNINGS Beginning $ 200 per day
Ending $ 200 per day
PLACE OF EMPLOYMENT City Sacramento
State CA
EXACT TITLE OF YOUR POSITION
NUMBER AND KIND OF EMPLOYEES YOU SUPERVISED
NAME OF IMMEDIATE SUPERVISOR Karen Tracy
TELEPHONE NO. AREA CODE (916) 920-0313

KIND OF BUSINESS OR ORGANIZATION [illegible]
Urban Indian Health
REASON FOR LEAVING
N/A

DESCRIPTION OF WORK [illegible]
Provided consultant services for a Special Project of Regional and National Significance (SPRANS) MCH Program. Access perinatal health education services for rural and urban Indian health clinics throughout the state of California. A major achievement is the development of a comprehensive health education model for Indian clinics. The model includes a curriculum for training health care providers in child injury control, traditional American Indian health concepts, positive Indian parenting, and pre-natal education.

B. NAME AND ADDRESS OF EMPLOYER'S ORGANIZATION (include ZIP code)
University of California, Berkeley
School of Public Health, Warren Hall
Berkeley, CA 94720

DATES EMPLOYED From 2/1/82 To 4/83
AVERAGE NO. OF HOURS PER WEEK 16
SALARY OR EARNINGS Beginning $ 10.50 per hour
Ending $ 10.50 per hour
PLACE OF EMPLOYMENT City Berkeley
State CA.
EXACT TITLE OF YOUR POSITION
Job Development Coordinator
NUMBER AND KIND OF EMPLOYEES YOU SUPERVISED N/A; Coordinated volunteers and school personnel.
NAME OF IMMEDIATE SUPERVISOR Frances Saunders
TELEPHONE NO. AREA CODE (415) 642-7246

KIND OF BUSINESS OR ORGANIZATION [illegible] Education

REASON FOR LEAVING Finished assigned task and graduated from school.

DESCRIPTION OF WORK [illegible]
Developed volunteer emissary program for public health students. Duties included program planning, formative evaluation, planning training sessions, coordinating existing career planning and development resources, reporting program progress to funding sources, budget management, organizing planning meetings, facilitating group decision meetings; Total responsibility for managing and developing the program and I received very little supervision. Ninety percent of my ideas influenced program policy.

where rejected and cause

25. REFERENCES

FULL NAME	PROFESSIONAL RELATIONSHIP TO APPLICANT	BUSINESS ADDRESS
1. Frances Saunders	UC Berkeley Field Placement Adviser	~~School of Public Health, UC Berkeley~~ Health Education Dept; Warren Hall Berkeley, CA 94720
2. Elmer Lidstone	Field Preceptor	Indian Health Service; California Area Office 2999 Fulton Av. Sacramento, CA 95821
3. Victor Joe	Psychology Professer	Dept. of Psychology; Idaho State University Pocatello, Idaho 83201
4. Karen Tracy	Supervisor	CUIHC, 2422 Arden Way, Suite A-32 Sacramento, CA 95825

26. A. EDUCATION AND PROFESSIONAL TRAINING

COLLEGE UNIVERSITY OR OTHER INSTITUTION	DATES ATTENDED FROM Mo Yr	TO Mo Yr	TOTAL HOURS CREDIT Specify Qtr or Sem	MAJOR	DEGREE	NO YRS IN DEGREE PROGRAM	DEGREE REQUIREMENTS FULFILLED Mo	Yr	DEGREE CONFERRED OR TO BE CONFERRED Mo	Yr
Gonzaga University (Spokane, WA)	9/75	5 79	122 Sem	Psych	BA	4	5	1979	5	79
Idaho St Univ (Pocatello, ID)	9/79	12 83	52 Sem	Psych	MS	3	11	1983	12	83
Univ of CA, Berkeley	8/86	5/88	50 Sem	H Ed	MPH	2	5	1988	5	88

Title of thesis/dissertation: Labeled vs Unlabeled Presentation of a Social Stimulus as Determinants of Its Efficacy as a Reinforcer

B. INTERNSHIP OR RESIDENCY COMPLETED, CURRENTLY SERVING OR SCHEDULED TO COMMENCE.

HOSPITAL OR INSTITUTION	From Mo	Yr	To Mo	Yr	SPECIFY TYPE AND SPECIALTY
Indian Health Service (Sacramento, CA)	8	87	12	87	Health Education, Health Planning + Administration
Indian Health Service (Rockville, MD)	6	87	7	87	Health Planning + Administration
National Congress of Am. Indians (Wash. DC.)	7	87	8	87	Health Legislation, Proposal Writing
Idaho St Univ Psychology Clinic (Pocatello, ID)	9	82	5	83	Behavioral Parent Training Model
Bannock Co. Mental Health Center (Pocatello, ID)	9	81	12	81	Clinical Psychology

27. HOW MANY PUBLICATIONS HAVE YOU AUTHORED OR COAUTHORED IN THE PAST 10 YEARS?

NUMBER None

32. HAVE YOU EVER LOST OR HAD YOUR PROFESSIONAL PRACTICE LICENSE REVOKED?

X NO YES

28. LIST YOUR HONORS AND AWARDS

Indian Health Service Scholarship; Indian Education Fellowship; Bureau of Indian Affairs Scholarship; Gonzaga University Scholarship; Graduated Cum Laude (Gonzaga); Head Start Board Chairman; Numerous Basketball + Baseball All Star teams; Who's Who Among U.S. High School Students (1975)

33. FOREIGN LANGUAGE COMPETENCE

Language	Read Some	Read Well	Speak Some	Speak Well	Understand Some	Understand Well
Spanish			X		X	

29. GIVE YOUR DRUG ENFORCEMENT ADMINISTRATION CONTROLLED SUBSTANCE REGISTRATION NUMBER

I have never had one.

30. STATUS IN PROFESSIONAL BOARDS.

N/A

31. LIST STATES GRANTING FULL/UNRESTRICTED PROFESSIONAL LICENSES/CERTIFICATES

N/A

34. ADDITIONAL SKILLS AND QUALIFICATIONS

Appleworks word processing; IBM word Perfect; Stratgraf, Lanier; Typing - 50 wpm; Water Lifesaving; First Aid CPR Training, Forest Fire Fighting Training, Aikido (Martial Art), Dance (minor in College), Public Singing, Securities (Stockbroker) license, Public speaking, Scuba Diving; Bowling; Tennis; Baseball coaching; Racquetball; Basketball; Coaching youth sports; backpacking, Behavioral Assessment and behavioral observation coding, Statistical analysis

STANDARD FORM 85
REVISED FEBRUARY 1960
U.S. CIVIL SERVICE COMMISSION
FPM CHAPTER 736

DATA FOR NONSENSITIVE OR NONCRITICAL-SENSITIVE POSITION

IMPORTANT

Particular care must be used in completing the items numbered 1 through 9. READ THE INSTRUCTIONS ON THE BACK OF THIS FORM BEFORE ANSWERING ANY OF THESE ITEMS

1. a. FULL NAME (LAST, FIRST, MIDDLE) Murillo, Larry, "(NMN)"
b. OTHER NAMES USED

2. ARMED SERVICES SERIAL NO., AND DATES AND BRANCH OF SERVICE No
3. SOCIAL SECURITY NO. 519-74-4185
4. DATE AND PLACE (CITY, STATE) OF BIRTH 4-10-57 (Pocatello, Idaho)
5. POSITION Commissioned Officer
6. AGENCY NAME AND ADDRESS Public Health Service

7. DATES & PLACES OF RESIDENCE

From (Mo./Yr.) To (Mo./Yr.)	No. and Street Address	City and State	ZIP Code
12/87 - Current	1026 9th St., #47	Albany, CA	94710
7/86 - 12/87	854 Riley Dr., #83	Albany, CA	94706
9/85 - 7/86	8220 W. River Road #229	Brooklyn Park, MN	55444
6/85 - 9/85	1150½ E. Clark St.	Pocatello, ID	83201
6/79 - 6/85	1056 E. Lander	Pocatello, ID	83201
9/78 - 6/79	P.O. Box 972	Spokane, WA	99258
6/78 - 9/78	1056 E. Lander	Pocatello, ID	83201
9/77 - 6/78	P.O. Box 970	Spokane, WA	99258
6/77 - 9/77	1056 E. Lander	Pocatello, ID	83201

8. DATE OF THIS REQUEST 3/25/88

9. (CHECK ONE)
☒ NONSENSITIVE
☐ NONCRITICAL SENSITIVE

10. (CHECK ONE)
☐ SINGLE
☒ MARRIED
☐ WIDOW(ER)
☐ DIVORCED

11. IF MARRIED, WIDOWED, OR DIVORCED, GIVE FULL NAME AND DATE AND PLACE OF BIRTH OF SPOUSE OR FORMER SPOUSE. INCLUDE WIFE'S MAIDEN NAME. GIVE DATE AND PLACE OF MARRIAGE OR DIVORCE. (GIVE SAME INFORMATION REGARDING ALL PREVIOUS MARRIAGES AND DIVORCES.)
Rita Marie (Graves) Murillo; 11/18/60; Minneapolis, MN
Married 6/15/85 in Pocatello, ID.

12. IDENTIFYING NUMBERS (OTHER THAN SOCIAL SECURITY OR ARMED SERVICES SERIAL, SUCH AS PASSPORT NO., ALIEN REGISTRATION NO., SEAMAN'S CERTIFICATE OF IDENTIFICATION, ETC. GIVE ALL, SPECIFYING WHICH.)
None

13. ORGANIZATIONS WITH WHICH AFFILIATED (PAST AND PRESENT) OTHER THAN RELIGIOUS OR POLITICAL ORGANIZATIONS OR THOSE WHICH SHOW RELIGIOUS OR POLITICAL AFFILIATIONS (IF "NONE," SO STATE)
None

14. DATES, NAMES AND ADDRESSES OF EMPLOYERS (BEGIN WITH PRESENT AND GO BACK TO JANUARY 1, 1937. CONTINUE UNDER ITEM 21 ON OTHER SIDE IF NECESSARY)

From (Mo./Yr.) To (Mo./Yr.)	Employer	No., Street, City, State	ZIP Code
2/88 - Current	U.C. Berkeley	Warren Hall, Berkeley, CA	94720
7/86 - Current	Student		
8/85 - 7/86	Heart of the Earth;	1204 4th St, S.E. Minneapolis, MN	55412
7/84 - 7/85	Sho-Ban Tribe	P.O. Box 306, Fort Hall, ID	83203
3/83 - 1/84	Bannock Regional Medical Center;	Memorial Dr., Pocatello, ID	83201
9/80 - 12/83	Student; Psychology Dept., Idaho State Univ.		83201
5/80 - 8/80	Caribou Forest Service;	250 S. 4th, Pocatello, ID	83201
3/80 - 4/80	U.S. Census Bureau;	432 N. 5th, Pocatello, ID	83201
6/78 - 8/79	(Summer only) Sho-Ban Tribe;	PO Box 306, Fort Hall ID	83203

CERTIFICATION
FALSE STATEMENT ON THIS FORM IS PUNISHABLE BY LAW

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND ARE MADE IN GOOD FAITH

3/25/88
DATE

Larry Murillo
SIGNATURE (SIGN ORIGINAL AND FIRST CARBON COPY)

15. DATE OF APPOINTMENT
16. PLACE OF DUTY (IF DIFFERENT FROM ADDRESS IN ITEM 6)

17. TYPE OF APPOINTMENT
☐ EXCEPTED ☐ COMPETITIVE
INCLUDES INDEFINITE AND TEMPORARY TYPES OF COMPETITIVE APPOINTMENT

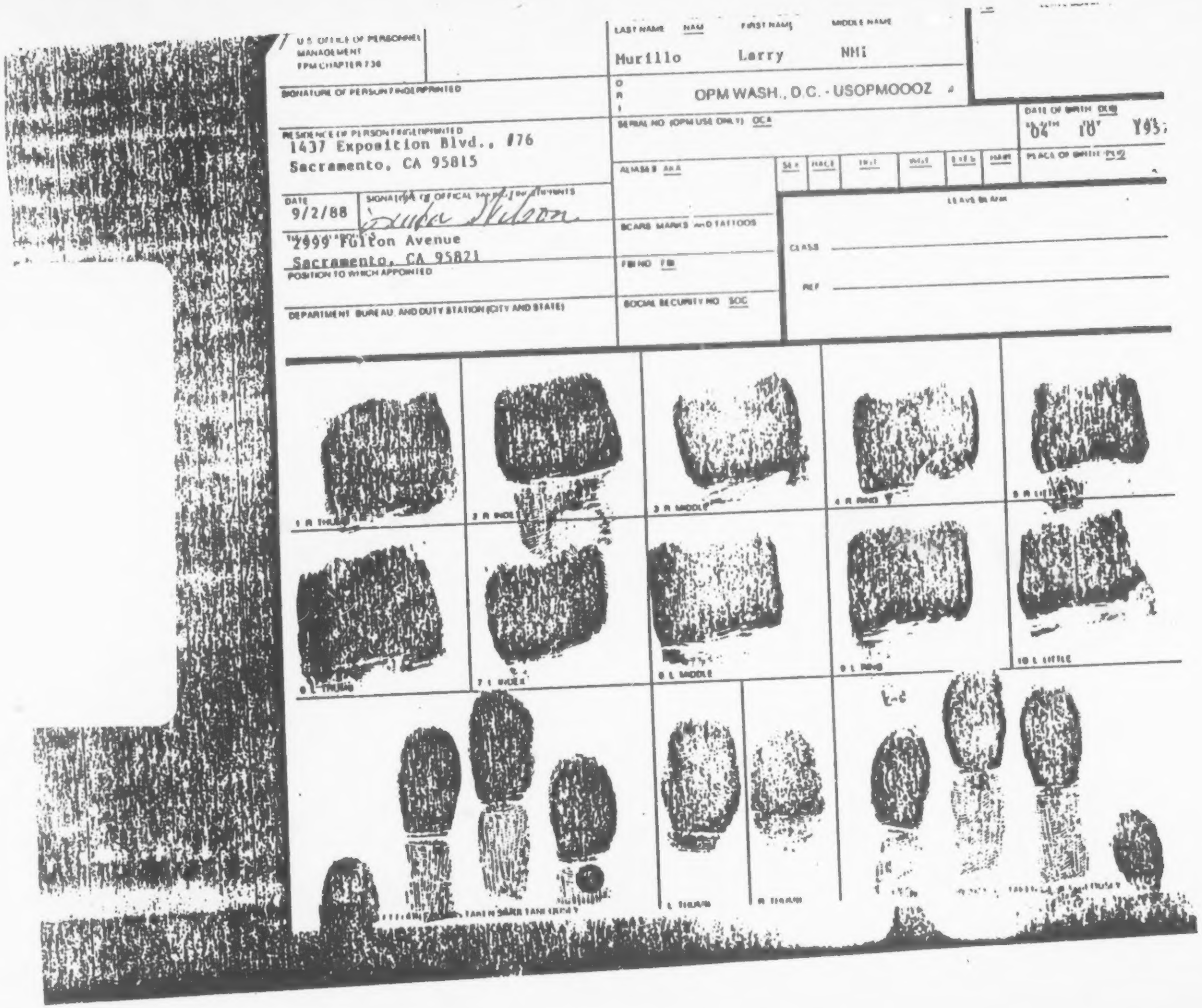
18. CIVIL SERVICE REGULATION NUMBER OR OTHER APPOINTMENT AUTHORITY

19. THIS SPACE FOR FBI USE (SEE ALSO ITEM 22)

20. NAME AND FULL MAILING ADDRESS OF AGENCY OFFICIAL TO WHOM RESULTS OF INVESTIGATION SHOULD BE SENT. INCLUDE ZIP CODE.

85-107

7. 5/75-6/77; P.O. Box 970; Spokan WA., 99258
14. 6/77-8/77; Union Pacific Railroad; Pocatello, ID. 83201
14. 6/76-8/76; Pleasureland; Ross Park, Pocatello, ID. 83201



U.S. OFFICE OF PERSONNEL MANAGEMENT
FPM CHAPTER 736

LAST NAME NAM FIRST NAME MIDDLE NAME
Murillo Larry NMI

SIGNATURE OF PERSON FINGERPRINTED

O
R
I
OPM WASH., D.C. - USOPM000Z

RESIDENCE OF PERSON FINGERPRINTED
1437 Exposition Blvd., #76
Sacramento, CA 95815

SERIAL NO (OPM USE ONLY) OCA

DATE OF BIRTH DOB
04 10 195

ALIASES AKA

SEX RACE HGT WGT EYES HAIR

PLACE OF BIRTH POB

DATE
9/2/88

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS
Linda Wilson

2999 Fulton Avenue
Sacramento, CA 95821

SCARS MARKS AND TATTOOS

LEAVE BLANK

CLASS

REF

POSITION TO WHICH APPOINTED

FBI NO FBI

DEPARTMENT, BUREAU, AND DUTY STATION (CITY AND STATE)

SOCIAL SECURITY NO SOC

1 R THUMB
2 R INDEX
3 R MIDDLE
4 R RING
5 R LITTLE
6 L THUMB
7 L INDEX
8 L MIDDLE
9 L RING
10 L LITTLE
L THUMB
R THUMB

Larry,

I talked to Char + She would like to get a 171 or resume. She will try to work with you on getting a job in our area. 218-751-7701

- Doris

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
INDIAN HEALTH OFFICE
FEDERAL BUILDING
BEMIDJI, MINNESOTA 56601-3080

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES
U.S. DEPARTMENT OF
HHS-397

Larry Murillo
1437 Exposition Blvd
Apt 76
Sacramento, California

20

CALIFORNIA URBAN INDIAN HEALTH COUNCIL, INC.
2422 ARDEN WAY SUITE A-32
SACRAMENTO, CALIFORNIA 95825
(916) 920-0313

October 24, 1988

Mr. Larry Thomas
IHS Scholarship Branch
Parklawn Bldg. Room 6-12
5600 Fishers Lane
Rockville, MD 20857

Dear Mr. Thomas,

This letter is to clarify the employment status of Mr. Larry Murillo, MPH. The California Urban Indian Health Council, Inc. is currently administering a Federally funded SPRANS grant in Maternal and Child Health. Mr. Murillo was hired as a Perinatal Health Education Consultant in March, 1988. He is self employed as a private consultant, receiving salary only and no benefits.

The goal of the SPRANS project is to develop a comprehensive maternal and child health program, and to then provide training and technical assistance in the implementation of that model program. The project is designed to work with all Indian health programs in California over a three year period; and is designed to focus only on Indian patients.

The programs that Mr. Murillo is currently working with include:

Clinic	City	County
American Indian Free Clinic	Compton	Los Angeles*
Central Valley Indian Health	Clovis	Fresno*
Consolidated Tribal Health Project	Ukiah	Mendocino*
Indian Health Center of Santa Clara Valley, Inc.	San Jose	Santa Clara
Lake County Triba Health Consortium	Lakeport	Lake
Northern Valley Indian Health	Oroville	Butte*
Round Valley Indian Health	Covelo	Mandocino*
Sacramento Urban Indian Health Project	Sacramento	Sacramento*
Indian Health Council	Pauma Valley	San Diego*
Shasta/Trinity Rural Indian Health	Anderson	Shasta*
Sonoma County Indian Health Project	Santa Rosa	Sonoma*
Toiyabe Indian Health Project	Bishop	Inyo*
Tuolumne Rural Indian Health	Tuolumne	Tuolumne*
Urban Indian Health Board	San Francisco	San Francisco*
Urban Indian Health Board	Oakland	Alameda*
United Indian Health Services	Trinidad	Humboldt*

*Indicates health manpower shortage area. Those clinics not located in a HMSA serve the Indian population of that community.

Attachment C

Mr. Murillo is based in Sacramento, however, he provides on site training and technical assistance to all of the aforementioned Indian Health Programs. Enclosed is a detailed job description outlining duties and responsibilities of the health education consultant position.

Mr. Murillo is an asset to our project and to the participating programs. Please contact me if I may be of any further assistance.

Sincerely,

Karen Tracy

Karen Tracy, RN MS
SPRANS Project Director

enclosure (1)
cc: Larry Murillo

CONSULTANT CONTRACT

This agreement entered into on March 28, 1988 by and between the California Urban Indian Health Council, Inc., hereinafter referred to as the Council, and Larry Murillo, MS hereinafter referred to as Consultant.

Witnesseth that:

1.) The Consultant shall, in a satisfactory and proper manner as determined by the Council, perform the following:

A. As part of a Perinatal Consultant Team, developes the health education component of a model perinatal services program that is specific Indian health clinics.

B. Participates in all team conferences.

C. Assesses Indian clinic perinatal health education services.

D. Assesses community perinatal health education services.

E. In conjunction with Indian clinic personnel, developes a plan to provide perinatal health education services to Indian women in each clinic service area that includes a quality assurance/evaluation component.

F. Provides training to Indian clinic staff regarding perinatal health education issues.

G. Provides assistance to Indian clinic staff in the development of linkages for culturally sensitive perinatal health education services.

H. Maintains data files on program activities to be used in the program evaluation.

I. Prepares reports, including a monthly progress report, submitted to the Project Director.

J. Other activities as required.

2.) Compensation for services will be as follows: $200.00 per day. Maximum annual salary $26,000.00 payment will be presented on the first and 16th days of the month upon presentation of time records from consultant.

3.) Travel will be reimbursed as per Federal guidelines and upon timely receipt of travel reports from Consultant, as per Council protocols.

4.) It is expressly understood and agreed that the Consultant will not incur any expense without prior authorization from the Council.

5.) This agreement may be terminated within 30 working days of written notice by either party for cause.

6.) The Consultant agrees to indemnify, defend and save harmless the California Urban Indian Health Council, Inc. its officers, agents, and employees from any and all claims and losses accruing or resulting to any and all consultants in connection with the performance of this contract and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Consultant in the performance of this contract.

7.) No alteration or variation of the terms of this contract shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

8.) The Consultant shall commence performance of this contract on March 28, 1988 and shall complete performance to the satisfaction of the Council no later than September 30, 1988.

Larry Murillo
Consultant

3/29/88
Date

Karen Stacy RN MS
Council Representative

3-30-88
Date

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Health Resources &
Services Administration

Indian Health Service
California Program Office
2999 Fulton Avenue
Sacramento, CA 95821

April 20, 1987

Ms. Sandra Wilburn, FNP, MPH
California Urban Indian
Health Council, Inc.
2422 Arden Way, Suite A-32
Sacramento, California 95825

Dear Ms. Wilburn:

Recently I was informed of your efforts to develop a SPRANS grant to assist Indian clinics with the development of MCH program improvements. I must share with you my great excitement and support for your efforts. The Indian health clinics in California, unlike other IHS Areas, lack a consistent and coordinated central MCH program. This has created a difficulty for the programs in direction and improper evaluation of maternal-child health care services and outcomes. I am convinced that a well developed and comprehensive prenatal care system reduces poor pregnancy outcomes. What has been most shocking to me since coming to California is that, except for an isolated population of Blacks in Oakland, Indian people have the worst statistics as measured by late registration for prenatal services. SIDS is nearly double the national average. In 1984, post neonatal deaths from accidents in the Indian population was almost three (3) times the general population, teenage pregnancy accounts for nearly 20% of all births and these statistics can be improved through effective education and early intervention.

A comprehensive delivery of services is desperately needed and I am sure that the systems model developed by your project can be shared, replicated, and modified to meet the needs of not only the California Indian health clinics, but also with any underserved population.

Your willingness to work on behalf of Indian programs is greatly appreciated. Please share this letter of support as you see fit. It is my pleasure to encourage these efforts, thank you for permitting this opportunity.

Sincerely,

Mark Jackson MD

Mark Jackson, M.D.

cc: T. J. Harwood
P. Calison
MCH Coordinator HQ

Attachment D

RECEIVED NOV 30 1988
Public Health Service

DEPARTMENT OF HEALTH & HUMAN SERVICES

Indian Health Service
Rockville MD 20857

NOV 26 1988

Karen Tracy, RN MS
Director
SPRANS Project
California Urban Indian Health Council, Inc.
2422 Arden Way - Suite A-32
Sacramento, California 95825

Dear Ms. Tracy:

This letter is in response to your October 24, 1988 letter regarding Mr. Larry Murillo who has an Indian Health Service (IHS) Health Professions Scholarship service obligation.

As designated in P.L. 94-437, Mr. Murillo may fulfill his IHS Scholarship obligation in one of the following (1) IHS; (2) in a program assisted under Title V of the Indian Health Care Improvement Act; or (3) in the private practice of his profession, if such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

However, priority for placement is designated to vacancies within the IHS. The California Urban Indian Health Council, Inc., (CUIHC, Inc.) is not an organization that falls within the above options. Therefore, Mr. Murillo's position as a consultant with CUIHC, Inc., can not be considered as payback on his IHS Health Professions Scholarship service obligation.

The IHSSP currently considers Mr. Murillo in the placement process. As long as Mr. Murillo is actively seeking appropriate placement in IHS and supplies the IHS with documentation of positions applied for, he will remain in the above mentioned status. It is hoped that Mr. Murillo will soon begin fulfilling his service obligation to IHS in an approved placement site.

If you have any questions, please contact Mr. Raymond Bobb, Compliance Coordinator at the address listed below.

Sincerely yours,

Larry J. Thomas
Chief, Scholarship Branch

Larry,
Shall I go ahead
& contact Raymond Bobb?
I fail to see why you
don't meet criteria #3.?
Karen

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Indian Health Service
Rockville MD 20857

MAY 8 [illegible]

Mr. Larry Murillo
1437 Exposition, Blvd. #76
Sacramento, California 95815

Dear Mr. Murillo:

This is in reference to your Indian Health Service (IHS) Health Professions Scholarship.

As designated in P.L. 94-437, you have the option to fulfill your IHS Scholarship obligation in one of the following: (1) IHS; (2) in a program conducted under a contract entered into under the Indian Self-Determination act; (3) in a program assisted under Title V of the Indian Health Care Improvement Act; or (4) in the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

The California Urban Indian Health Council Inc. is not an organization that falls within the above options. Therefore, your position as a Health Education Consultant can not be considered as payback on your IHS Health Professions scholarship obligation. In an effort to assist you for placement in IHS facilities, you are requested to send the following information to Ms. Susan Teller, IHS Scholarship Program Analyst, at the address listed below.

1. Personal Qualifications Statement Standard Form 171 or Commissioned Corp Application.
2. Health Professions Scholarship Program Service obligation Preferred Assignment Form.

If you have any questions or concerns, please contact Mr. Raymond Bobb, Compliance Coordinator, IHSSP, at the address below.

Sincerely,

Larry S. Thomas

Larry S. Thomas
Chief, Scholarship Branch

ADDRESS
IHS Scholarship Program
Parklawn Building, Room 6-12
5600 Fishers Lane
Rockville, Maryland 20857
Telephone: (301) 443-6197

TESTIMONY TO THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS IN ASSOCIATION WITH FIELD HEARINGS IN SACRAMENTO, CALIFORNIA ON APRIL 28, 1989

This testimony is submitted on behalf of the California Urban Indian Health Council ("Council"). The Council is a private, nonprofit agency that provides training and technical assistance services to urban and rural Indian health clinics and tribes throughout the State. The Board of Directors is composed of representatives from urban Indian Health Clinics.

This testimony will focus on the issue of Indian Health Manpower Development. Specifically it refers to the Indian Health Service (IHS) Scholarship Program and its manpower recruitment, service obligation, and retention activities.

Public Law 94-437 and its update P.L. 100 -713 were written to "...provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level...." Title I of this law describes various recruitment and retention opportunities for IHS to develop manpower.

The task of raising the health status of Indians is monumental in terms of staffing needs of IHS. Making the task even more difficult are existing IHS Scholarship Program policies and legislative mandates that prevent or hinder professionals from finding employment with IHS. The following issues explain the situations that Indian students and Indian professionals experience that create barriers to serving Indian communities in California and other areas.

Recruiting prospective Indian students to apply for the IHS Scholarship Program is affected by the following:

1. Certain IHS areas such as California, the Portland Area, and Alaska experience an underrepresentation of students who are scholarship recipients. This results in fewer Indian professionals who will return to these areas to work.

2. The Scholarship Program in California has a scholarship coordinator who is given responsibility for recruiting students and processing applications. This responsibility is in addition to other full time duties. The result is minimal recruiting efforts and dissemination of information concerning the scholarship.

3. The California Area Office (CAO) is staffed primarily with commissioned Corps personnel. This results in minimal/no opportunity for IHS jobs and payback for scholarship receipients.

The IHS Scholarship has a contractual agreement with students who receive the scholarship to a service obligation with IHS. This service obligation is difficult to fulfill because of the following situations.

1. IHS Scholarship guidelines allows state recognized Indians and certified, but nonenrolled, Indians to receive the scholarship. However, IHS hiring policies use Indian Preference guidelines that do not recognize these students as Indian. Therefore these Idians are discriminated against in securing IHS jobs.
2. Some private, nonprofit California Indian Health agencies, state funded Indian Health programs, non-IHS federally funded, and even IHS contracted programs such as the American Indian Graduate Program at U.C.Berkeley have not been accepted as legitimate scholarship job placements in order to fulfill obligation to IHS. This is in spite of the fact that these agencies exclusively serve Indian health agencies and Indian communities in health manpower shortage areas.
3. Inavailability of IHS jobs can make it difficult for some students to locate jobs in their home areas. IHS does not pay moving expenses for students who are not already in the IHS system.

Other issues that adversely affect student's perceptions of the IHS Scholarship Program include late notification of being a scholarship receipient (usually within a week before or after school actually starts), and late payments of stipends and school expenses (usually at the very end of September or start of October).

It is the intention of this testimony to raise awareness of problem situations of the IHS Scholarship Program and correct them. Since the intention is not to eliminate the Scholarship Program because of its potential benefits to Indian communities, the following recommendations are proposed to deal with the problems.

With regard to recruiting Indain personnel in the state of California, the Council recommends:

1. Mandated IHS hiring practices that prioritize hiring qualified Indian personnel who have an IHS obligation over non-Indian civil servants and commissioned corps personnel.
2. IHS Area Scholarship Coordinators be given full time status so they can focus on recruiting and information dissemination that is necessary for successful student recruitment.
3. Mandate regional development of Indian Health scholarships so that a minimum number of students are awarded scholarships from areas that are currently underrepresented. This will result in each IHS area developing a pool of qualified Indian Professionals who will remain and work in their respective home area.

Recommendations for payback responsibilities:

1. Change Indian Preference hiring practices of IHS so they are consistent with those accepted as scholarship recipients. This will permit the IHS to accept State recognized Indians, nonfederally recognized Indians, and non-enrolled Indians from federally recognized tribes for employment and payback purposes.
2. Recognize agencies that work for Indian communities that are not funded through the PL 93-638 process or Title V urban programs as legitimate scholarship payback settings. This is consistent with assisting IHS to raise the health status of Indian people and also allows expanded job opportunities for those with an IHS obligation. This would be accomplished through an amendment of the scholarship payback language of PL 100-713 to include "agencies that serve primarily Indians in health manpower shortage areas and/or agencies whereby all members of the governing board are Indian."
3. Pay for moving expenses for students to relocate to work for the IHS as is the protocol for commissioned corps personnel.

Sandra Willburn, FNP, MPH